

**Association for Adoptees**

**Commission of Inquiry  
2025/26**

**Queensland's Broken Child Safety System**

Association for Adoptees  
PO Box 263  
Imbil Qld 4570

To The Commissioner Paul Elias Anastassiou KC.

Association for Adoptees is a lobby and support group established for adoptees affected by adoption and was formerly known as WASH ( White Australian Stolen Heritage). We played an integral role in lobbying for the Senate inquiry into Former Forced Adoptions Policies and Practices, as well as State and Federal Apologies.

Under our former name (WASH) White Australian Stolen Heritage we received an official apology from the Royal Women's and Children's Hospital Brisbane in 2009 which apologised for the trauma caused to adopted people at being separated at birth, and recognised many had suffered abuse and mistreatment within the homes to where they were sent. Please see, added information

We continue to take an active leadership role in the Queensland memorial and anniversary events held each year at the Roma Street Gardens Brisbane. We also sit on the Stakeholder Committee with other stakeholders and meet regularly with the Adoption and Permanent Care services and the Post Adoption Support Services Queensland.

Association for Adoptees, was established soon after the Senate Inquiry broadening its scope of support to include domestic and international adoptees.

In this submission I will give some of my personal experiences as a person with a lived experience of adoption. In addition I will share some of my previous experiences in my work role within the Youth Residential care sector, Youth Justice and Child Protection system .

Additional information;

- \* Apology from the Women's and Newborn Services Royal Brisbane Hospital.
- \* A Stolen Generation In the Making, Parts 2,4,8.,10 by Dr Christine Cole (mother of loss)
- \* Association for Adoptees, Kerri Saint and Judy Glover (matter for discussion)

**Current Adoption Models Are Not Acceptable**

Association for Adoptees, have a number of concerns in regards to the current Liberal Governments planned approach to address youth crime, by reforming the Residential Care and Child Safety system, as well as Reviewing the Queensland legislation about the protection of children, including the Child Protection Act 1999 **and the Adoption Act 2009.**

In the aim to reform care, in an attempt to address and prevent youth crime, we see adoption as

as being one of the options that the government wishes to undertake. However we are very concerned about the limited understanding of adoption and its impact on the adopted person throughout their life to which we want to bring to your attention.

**The Queensland Government Gazette no.16 ( May 23 2025)**

**Commission to report and make recommendations: d) Safer children: system design to support and facilitate foster care, kinship care and adoption in a modern best practice setting.**

The above statement along with other media releases leaves us in no doubt that the Liberal Government plans to try to curb youth crime with early intervention programs. We believe that one of these plans is to move children into adoption from out of home care..

Association for adoptees strongly believe that adoption is not the answer to curbing youth crime. In addition we are alarmed that adoption is considered and viewed as a cost effective alternative in response to the ever increasing number of children being placed in care. Adopted people believe that government should never take on the role as, "baby broker" for married couples or for people desperate to create families via adoption. Our lived experience of adoption, should be of the uttermost interest to government if they are to learn why we feel that adoption should always remain the last resort for any child. Queensland's current plenary adoption model, is not child focused and is fraught with a litigir of issues that results in wiping ones identity and severs all legal ties to biological family members, including siblings. The trauma of Plenary adoption is well documented through the Senate inquiry into Former Forced Adoptions. Plenary adoption should be abolished and never considered in any respects or in a child's best interest. The only interest it serves is the adopting parents.

We believe that children benefit greater when governments support struggling families, and initiate programs and interventions that would prevent children from entering any form of care in the first place. Unfortunately, not enough is ever done to facilitate early prevention and intervention programs within the family setting.

The Carmody report in 2013, found that the Queensland government had under-invested in family support programs compared with other jurisdictions. The intent of family support services is to provide early support to vulnerable families to prevent harm from occurring and reduce the number of children coming into the child protection system.

Previous government reports state clear concerns about placements both in residential care and foster care. Child Safety officers reported concerns about the quality of care due to the limited capacity of other placement options, rather than to match their individual needs. In addition children were placed into environments that were unsuitable and sometimes worse than where they had come from.

As a Youth worker and Child Safety Support officer, I witnessed many placements that were not suitable for the child/ and or children, under the care of the department in foster care settings.

In one case in particular, two siblings had been placed in foster care and barely if ever checked on for a number of years. Eventually it was reported that both siblings had suffered sexual abuse at the hands of the foster father. The damage done was shocking, and as a worker supporting them after it was disclosed caused immense trauma as the male child violently imploded on my shift. The future for that child from that day forward was nothing short of carnage for him and the youth workers that supported him. The effects and trauma of what I witnessed and had to deal with still impact me today.

In my role I would be required to visit many homes of foster parents to accompany children with parental supervision. After those visits I would find myself having to report inappropriate sleeping arrangements and concerns around discipline, lack of supervision, poor diet and clothing, as well as disinterest toward the child and a total inability to cope with the child's behaviours by the foster carers. It was clear that a number of foster carers were overloaded with children, lacked appropriate support and guidance, and were never given information that would help them understand the risks of certain children placed in their care. I also witnessed children abruptly and callously dumped at the door step of the department by foster carers. The sight and sound of a inconsolable screaming child, experiencing yet again another rejection, resulting in the many failures of the department and adults that were meant to care for them will always remain with me.

I also worked as a residential care worker, and life skills teacher, in a medium to long term residential shelter for 15 years. Some of the children I supported were adopted children ( teenagers ) who were placed at the service by the department after the breakdown of the adoption. I noted that it was mostly the male adopted children who expressed a lot of anger and violence, had a history of drug abuse and engaged in criminal activities. One of these boys was later murdered for owing drug money whilst his brother was held in detention. In fact all the boys at some stage entered juvenile detention and later adult prison.

**The Queensland Child Protection Audit report 2020, by the Auditor General Brendon**

**Worrell:** The expected significant economic and social impact of the Covid Pandemic is likely to affect employment services, housing, domestic violence and family violence services, Child Protection, mental health and substance abuse. This will place ever greater demand on Queensland family supports and Child Protection System. Further increasing the need for the community public sector and non government service providers to act collectively to ensure no child falls through the gaps.

As a youth worker, for over 17 years I repeatedly witnessed the support to foster carers to cope with the burden of raising children and meeting their complex needs. Without this support they could not do the work that is required. However I also witnessed biological parents of these same children left without any support to help their child live at home with them. Many families, struggling with children with complex needs, disabilities, and financial burdens could have been best supported in similar ways, resulting in a number of children not requiring to enter foster care and over burden the system.

While parents struggle with the cost of living and life stresses, to support their family. Foster carers not only receive support through services but financial assistance to help meet the needs of the child or children in their care. On average a foster carer with a child aged 0-5 receive approx \$623.00 p/fortnight and up to \$729.68 for a child over 11, and is tax free. For a child with special needs the rate is higher.

In addition they can receive help with extracurricular activities such as: Outside school tutoring, activities related to sports, art, music, culture and citizenship. As well as, On Country program camps and participation in clubs

For children under 5, activities such a swimming lessons, playgroups, and sensory and development classes may be chosen.

Families struggling to cope and navigate services to help their child thrive, could have benefited with similar supports. A number of parents who had children removed, could have benefited from things as simple as peer support from other parents, or mentors employed by the department to help navigate the responsibilities of parenthood.

It is important that foster carers receive such assistance and funds, and no one is disputing the need to do so. However, if vulnerable families received similar support as foster carers then it is likely that a number of issues would be resolved to reduce the burdens placed in stressed families, and prevent children from being placed in care in the first place.

In my role as a life skills teacher, within the residential care shelter, I supported very young pregnant mothers, the youngest being of 14 years of age. They were provided with shared accommodation, life skills programs and parenting support as well as access to health professionals, schooling and training programs. We employed a live-in adult housing team worker, providing 24 hour onsite care. The life skills program was the back bone of the service that provided young people with vital skills and programs to reach life goals and attain semi to independent living arrangements depending of age. We had a great deal of success in helping children re-build relationships with parents and even return home.

Young girls and women, were supported to keep their babies and raise them, in a safe and supportive environment. Today these young women and girls are married with grown children and even grandchildren. Many living successful, happy lives. The child they feared being taken from them grew up with them and they have proven with the right supports they can raise their babies happy, healthy and well adjusted.

### **Adoption is not the answer**

Association for Adoptees disagrees with adoption within its current form, where birth certificates are changed and new ones issued, and where children are permanently and legally separated from siblings and other relatives for life.

Adoption grief, loss and trauma is lifelong and generational and so far all governments have failed to provide adequate services for adopted people to address the many problems we face through out their life time.

Currently there is a lack of services and very few adoption trauma trained specialists or counsellors available for people affected by adoption. Any move towards adoption regardless of the model, would require an urgent increase in funding for services to support them for life. There would also be an need for extra training and education implementation across all sectors of mental health services to meet current needs .

### **There is no duty of care in adoption, which is highly concerning and problematic.**

The Federal Senate inquiry into former forced adoption policies and practices revealed that adopted people suffered abuse and mistreatment at the hands of adoptive parents. This was despite proper checks taking place. However it does include the lack of any proper screening of potential adoptive parents and the fact that after an adoption there is no follow up.

At present, follow up in adoption only occurs 12 months after an adoption is finalised. However that follow up is never made with the child, but only with the adoptive parents. We find that this is totally unacceptable. We believe that adoptive children should be sighted, and have periodic

continued contact through out their life by a trained counsellor with no vested interest in adoption.

Adoption is not the same as raising your own biological child and comes with its own set of problematic life challenges, emotional hurdles and difficulties. All adopted children suffer from differing levels of trauma, grief and loss, despite their reasons for being adopted. Adopted children's needs are often very different to the needs of biological children by the very nature of their adoption. As adopted children grow there will be a number of challenges and experiences that the adoptee and adoptive family will have to face, that biological families and their children will never have to deal with.

It is not enough to remove children from harm only to create more layers of harm or trauma through ill supported adoption placements. Tucking children away and assuming the book is closed via adoption, is grossly inadequate and irresponsible given that adoption impact is a life long issue. The support required must equal the impact that adoption poses upon the adoptee. If adoption is meant to be for life, then the support must be provided to meet the life long mental health and well being of an adopted person.

We urge the government to put mechanisms in place to adequately respond to the whole spectrum of adoption over a life time, and not just to the front door of the adoptive parents home. So much more needs to occur after the adoption takes place. Adult adopted people with a lived experience over their life time have reported that the losses attributed to adoption does not decrease with age but increases.

We have experienced the full life impact of adoption and understand fully how it is fraught with so many emotional triggering responses. The failure to provide adequate on going support services and counselling for adopted people creates a life time of pain and suffering, and contributes to the ongoing rates of suicide among the adoption community.

Previous research stated that adoptees are 4 times more likely to suicide than non adopted people however current new research suggests that it is as high as 35 times more likely. If adoption is the panacea to providing permanent stable care for children, then why are we over represented in mental health facilities, family break down, substance abuse, and suicide.?

Adoption is not evidence based, there is no research studies done here in Australia to prove that adoption provides better outcomes for children. The Australian Institute of family studies report surveyed 823 adopted people in 2012. This report stated that 75% of the respondents were suffering from a moderate to severe mental health disorder at the time of doing the survey. This information is alarming as 50% of those respondents stated that they went to good homes. If adoption is being touted as a much better form of care, than why are so many suffering mental health disorders?

### **Abuse and Neglect by Adoptive Parents**

During the senate inquiry into former forced adoptions it was revealed that adopted people suffered abuse and mistreatment, by adoptive parents. Despite a number of adopted people reporting abuse to the senate committee, all governments failed to respond to such claims. In Queensland the Liberal government at the time of offering an apology for Former Forced Adoptions, refused to apologise to those adopted people who suffered abuse and mistreatment at the hands of adoptive parents.

I am one of those adopted people who unfortunately was placed in an abusive adoptive home.

In 2012, my group and I approached Tracey Davis who was the Minister of Child Safety at the time to discuss the wording of the apology. In this meeting I shared my horrific story of abuse by both my adoptive parents. It was very traumatic and deeply upsetting experience. One I had to face during the senate inquiry without any support from any service.

I requested that the government offer an apology for the abuses adopted people suffered and have it included within the Queensland apology for forced adoption policies and practices. My argument for such an apology was so that abused adopted people could receive the recognition, help, counselling and support we so desperately needed. Unfortunately my request was denied, and as a result abused adopted people have yet to receive any adequate support and service to meet our needs.

Abuse within adoption remains hidden and without adequate recognition by government, resulting in the community, mental health professionals, and medical staff, not being informed and trained to address our many needs. As a result, adopted people are often gaslight and re-traumatised when seeking help and assistance for on going mental health issues and medical problems due the ongoing wrong ideas, notions and narrative, that all adopted children went to loving homes.

Abused adopted people do not want to be silenced, and are tired of being excluded in every inquiry and royal commission addressing abuse. Adopted people have been refused the right to make submissions into the Royal Commission into Sexual Abuse, as well as the inquiry into Institutional Care. We have never been recognised for our suffering, nor qualify for support or redress.

**Adoption is not viewed as a form of out-of-home care and is not considered an institution despite adoption being selected and enacted by the Queensland Government.**

We argue that adoption is the longest form of care a person experiences, that we have little hope of escaping from. Our lives are governed by the Adoption Act with its stringent discriminatory requirements, that institutionalised and foster children are never faced with. As adults, we are still expected to comply to certain laws that prevent or hinder us from accessing information about ourselves, our families and siblings without the Department of Families approval. We risk certain penalties if we do not comply, such as fines and threats of imprisonment.

**Unfair and unjust discharge orders:** For a person to discharge an adoption even from an abusive adoptive family, they are required to apply to the Supreme Court where the adoptive parents ( the abuser) is required to give permission for an adoption to be discharged. The biological mother is also required to appear to give her approval. Despite the adult age of the adopted person they are still being viewed as a child, with no self determination. Despite Former Forced Adoption Policies and Practices being found to be unethical, unlawful and unjust, where ones adoption was handled by the district court and no parent was summoned to appear, or pay large sums of money for a child. The same rules do not apply for adopted child seeking to discharge themselves from an adoption.

I had a meeting with the department of families on this matter, in 2016 and was shocked and horrified to know at the age of 54, as a mother and grandmother myself, that I would be expected to go through an extremely difficult process and possibly pay up to \$40,000 to extricate myself from my abusive adoptive parents. How can this possibly be in the adopted person's best interest?

It seems that I am governed by all sorts of rules and laws to force me maintain my very harmful adoption contract, which I never signed or agreed too. I am expected to abide by this contract of adoption despite it not being in my best interest. Trying to extract myself from such an abusive

adoptive family meant a financial burden I could not possibly pay. In addition I was expected to recount my very painful traumatic childhood abuse as proof and reason for discharge before for the court. I was shocked to realise that I would have to endure this process without any adequate trauma informed adoption counsellors provided to help me navigate this highly traumatic experience.

There needs to be a great deal of change to the discharge of adoption in every respect. We request that there needs to be an urgent response to this matter.

Whilst governments ignore the abused adoptee voices, past mistakes are likely to be repeated and the risk of more children being abused in future adoptions will inevitably occur.

Failure to listen and learn from the voices of those with lived experience of adoption only increases the distrust we already have for government and government departments when it comes to keeping children safe.

### **There is no duty of care in adoption**

We can see why Governments favour adoption because it on the surface seems to offer easy solutions, and including the idea that it will cut the cost of caring for so many children. In addition it helps remove any accountability and responsibility of government, especially if children are neglected or abused by adoptive parents. Once a child is adopted, it becomes the child of the adoptive parents removing all responsibility from the government for anything that happens to that child once it is adopted. The burden of responsibility is eventually placed solely on the adopted person as they are the ones facing a lifetime of emotional and, physically damage for life. The resulting financial burden in areas of declining health and mental health is carried by the adoptee. However society, does eventually feel the affects of adoptions, and the grief and loss that adoption in of itself causes, as individuals affected begin to place burdens on the health care and mental health system, and other support services etc to cope.

If the government believes that adoption is so good for children and that there are no risks, then they should remove all obstacles for accountability. By their account adoption is safer, better and provides more stability for children, and provides a child with a family for life. We therefore request that the Government prove such claims and hold an immediate inquiry into adoption and allow the many voices of adoption to be heard. Why is their such a refusal to hold such an inquiry?

When I approached the government about the abuses I suffered as a child I was told it was not their problem. It does not matter that I was forcibly removed from my mother, or that she was harassed and threatened to relinquish me. My adoption was demanded by the department of health and my adoptive parents vetted and chosen for me. To this day, no one wants to take any responsibility for the type of home I was sent to.

Some of the things I experienced as child are, suffocation, beatings across the face with a steel studded belt at a few weeks of age, torture, child slave labour, being set alight, made to sleep alone in the bush with no blanket or food. Forced to work in charcoal pits from the age of 5 every weekend and school holidays. I was constantly threatened to be sent away to an institution where worse abuses would occur to me, if I did not comply to the adoptive parents demands.

As an adopted child I was not accepted by other family members, as if born to, but rather treated like a stranger and not deserving of love, respect, acceptance and protection.

The physical abuse I suffered caused a spinal fracture, C-PTSD, DD, anxiety and depression. I was constantly lied to about my birth mother, and gaslight about my adoption, told my mother never wanted me, was 16 and died giving birth to me which was a complete lie.

The enormousness effort to survive such a childhood can not be underestimated, I am lucky to be a live. So, I find it incredibly difficult to understand how no-one is responsible for removing me from my mother and biological family, and can devoid themselves of any responsibility of the type of home I was placed in.

In light of knowing what type of adoption I experienced, how can the department claim to uphold this following statement.?

**Department consultation draft statement:** Maintaining that the main principle for the administration of the Child Protection ACT is the safety, well-being and interest of the child, both through the childhood and for the rest of the child's life is paramount.

It seems that nobody wants to know if a child is harmed through adoption and every government so far have remained disinterested in hearing about adoption failures. There also seems to be no plans to ensure that any other child placed for adoption will remain safe, and free from harm for life within the adoptive family.

If the above statement is true, we want to know why the government are not interested in responding to and addressing the many issues raised by abused adopted people?

### **Adoption: A hypocritical response to child welfare**

Government cannot in one hand create adoption laws to restrict our rights to our biological family and information, and yet then tell us that they have no responsibility for us. A Government cannot state that we are not, "in-care" or "wards of the state" but yet demand that we seek permission from them in search of any information about ourselves.

We are either free to do as we please, just like biological children are free to access information about themselves, or we are still "wards of the state" accountable to government departments and adoption laws. If we are expected to come to the department to seek permission for any information held on us, then we are then responsibility of the Government and therefore they, or it, should be held accountable if our adoption becomes harmful to us. Governments cannot have it both ways.. They are either accountable in ALL respects or NONE! They should not get to pick and choose to what parts of adoption they wish to have control over.

Until the government takes full responsibility in all aspects of adoption we cannot support any model of adoption.

Association for Adoptees, supports over 250 adopted people, sadly a majority of our members have suffered some form of abuse, mistreatment and neglect and a greater number struggle with mental health issues and suffer from low sense of self worth and belonging.

Since 1982 my group has been involved in supporting adopted people and advocating on their behalf. We have repeatedly brought numerous issues to the attention of government that we

urgently ask to be addressed, unfortunately we see very little progress. I have enclosed some of the main issues as a part of our submission.. Please see additional information by Kerri Saint and Judy Glover.

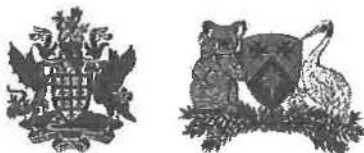
Our question to the inquiry is.. How can the government consider adoption in any form, when it has failed to address many of the ongoing issues faced by those already affected by adoption?

We are hoping that you will consider allowing us to speak to you directly in the Brisbane hearings.

Thanking You

A black rectangular redaction box covering the signature of Kerri Saint.

Kerri Saint  
Association for Adoptees



Royal Brisbane and Women's Hospital  
Metro North Health Service District



Queensland  
Government

Queensland Health

Enquiries to: Professor Ian Jones  
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File ref: GK:2009/0/35

To the White Australian Stolen Heritage (WASH) Group and all Adoptees seeking an apology


Dear Friends,

Thank you for meeting with me at the Royal Brisbane and Women's Hospital and sharing your experiences of being an adopted one. I was saddened to hear how half truths, lies, feelings of abandonment, lack of knowledge of your origins and the missed opportunities to grow up and be with your siblings, have and continue to adversely affect your lives, and many other lives of those who are near and dear to you.

Our open, honest and obviously painful discussions have helped me to understand how you have been denied the right to experience the natural relationship between you and your mother, your siblings and extended family because of the practices in place at the time of your birth. Some of you were subjected to many different types of abuse; from being denied contact with your mother and by the family in which you were placed.

In this regard on behalf of the Royal Brisbane and Women's Hospital, I acknowledge the hurt and suffering you have described and sincerely apologise for any ill treatment you experienced while in hospital by being taken and denied contact with your mother at the time of your birth.

For similar reasons I also apologise to those families who have experienced hurt and suffering through the tragic and harmful effects caused by adoption.

  
Professor Ian Jones  
**Obstetrician and  
Executive Director**  
Women's and Newborn Services  
Royal Brisbane and Women's Hospital  
12/11/09

Royal Brisbane and Women's Hospital -- we don't smoke here anymore

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**Association for Adoptees Inc.  
Kerri Saint & Judy Glover**

Items for Discussion

**Review of the Adoption Act 2009:**

The review of the Adoption Act 2009 was due in 2021.

**327 Further review of Act**

(1) The Minister must ensure the operation of this Act is reviewed as soon as practicable after the day that is 5 years after the day the *Adoption and Other Legislation Amendment Act 2016* commences.

(2) The review must include a review of the effect of this Act on parties to adoptions and their families.

(3) The Minister must table in the Legislative Assembly a report on the outcome of the review.

<https://www.legislation.qld.gov.au/view/html/inforce/current/act-2009-029#sec.327>

**Integrated Birth Certificates:**

The introduction of Integrated Birth Certificates is a Recommendation of:

The Senate

Community Affairs References Committee

Commonwealth Contribution to Former Forced Adoption Policies and Practices

February 2012

[https://www.aph.gov.au/parliamentary\\_business/committees/senate/community\\_affairs/completed\\_inquiries/2010-13/comcontribformerforcedadoption/report/index](https://www.aph.gov.au/parliamentary_business/committees/senate/community_affairs/completed_inquiries/2010-13/comcontribformerforcedadoption/report/index)

**Recommendation 13**

12.33 The committee recommends that

- all jurisdictions adopt integrated birth certificates, that these be issued to eligible people upon request, and that they be legal proof of identity of equal status to other birth certificates, and
- xi
- jurisdictions investigate harmonisation of births, deaths and marriages register access and the facilitation of a single national access point to those registers.

**Support for an adopted person post-adoption:**

Adoptee-aware and competent mental and physical health care and social support services are extremely limited for the current cohort of adopted people. Adoption is not acknowledged as a risk factor by many health and human services professionals, despite its recognition as such in the *Australian Institute of Family Studies 2012 report into Past Adoption Experiences*.

<https://aifs.gov.au/research/research-reports/past-adoption-experiences>

*When asked whether they believed being adopted had had any effect on their health, behaviours or wellbeing while growing up, 69% of adoptee survey respondents agreed (see Table C2). (Six per cent*

*did not know they were adopted until they were an adult, so could not respond to this question.)*

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#### **The Kessler Psychological Distress Scale (K10)**

*As can be seen from Table 7.2, the survey respondents show much higher levels of psychological distress than those in the 2001 National Health Survey. Of particular concern is that close to one in five respondents was likely to have had a severe mental disorder at the time of survey completion.*

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*The higher use of professional services for counselling/psychotherapeutic support would indicate that the effects of adoption have been significant for the adoptees participating in this study.*

A study by the **University of Minnesota** conducted from 1998 to 2008 showed the odds of a reported suicide attempt were ~4 times greater in adoptees compared with non-adoptees.

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3784288/>

However, preliminary findings from Dr Lynn Zubov's recent research at Winston Salem University into adoption outcomes has revealed deeply sobering statistics:

- Adoptees may be 35x more likely to attempt suicide than non-adopted peers.
- First Mothers may be 600x more likely to die by suicide, and 37x more likely to attempt.

These numbers go far beyond the previously cited 4x risk. For more information:

<https://www.youtube.com/watch?v=VOjYluRYhzM>

It is recommended that all these areas are addressed and responded to, to meet the needs of the current cohort of adopted people requiring lifelong support.

### **INQUIRY INTO ADOPTION**

In addition to the above, the following issues also need to be investigated and addressed:

#### **NEW REPORT: Human Rights of Adult Adoptees in South Australia**

Introduction to the report by ARA Inc. Vice-President, Sharyn White *BPsych(Hons)*

<https://adopteerightsaustralia.org.au/adoption-and-human-rights/>

A brief summary, Haylee Grant's introduction, written for the Rights Resource Network, can be found in this link. It makes compelling reading.

<https://www.rightsnetworksa.com/post/human-rights-and-the-adoption-act-1988-sa-a-vacation-scholarship-report-with-a-reform-agenda>

*"The research reveals significant tensions between the Adoption Act 1988 (SA) and human rights principles. One of the most concerning issues is the infantilisation of adult adoptees, with the Act assuming that adoptees remain vulnerable and in need of protection throughout their lives. While prioritising the best interests of the child is essential, this approach has inadvertently resulted in paternalistic legal barriers that restrict adult adoptees' rights to autonomy, identity and self-determination."*

### **Simple/Additive Adoption:**

- the introduction of Simple Adoption for future adoptions.
- the option for adoptees to revert current Plenary Adoptions to a Simple Adoption.

The current form of adoption in Australia is Plenary Adoption which results in the adopted person's name and identity being changed, their birth certificate cancelled and an amended birth certificate issued showing the adoptive parents gave birth to the adopted person, and the permanent severing of legal ties with their mother, father, siblings and extended family.

Simple/Additive Adoption allows the child to retain their name, identity, birth certificate, and legal connection to their family while forming a new legal relationship with the adoptive family. The end result is that the natural family and adoptive family maintain an ongoing legal relationship with the adopted person.

Permanent Care Orders (PCO) provide a stable and secure family arrangement for a child requiring care, legally ending when the child reaches legal adulthood at 18 years old. If it is appropriate and in their best interests for the child to have an ongoing legal relationship with their PCO parents, then Simple/Additive Adoption is the preferred option and I strongly recommend that it be introduced in Queensland. This is backed up by research done by Prof Karleen Gribble and Stacy Blythe of Western Sydney University <sup>[4]</sup> and a recommendation for research into Simple Adoption by Hon Michelle Landry MP <sup>[5]</sup>.

<https://theconversation.com/adoption-law-should-be-reformed-to-give-children-legal-connections-to-both-of-their-families-heres-why-127521>

<https://ministers.dss.gov.au/speeches/5326>

### **Fathers Name Added to Original Birth Certificate**

The Senate

Community Affairs References Committee

Commonwealth Contribution to Former Forced Adoption Policies and Practices

February 2012

[https://www.aph.gov.au/parliamentary\\_business/committees/senate/community\\_affairs/completed\\_inquiries/2010-13/commcontribformerforcedadoption/report/index](https://www.aph.gov.au/parliamentary_business/committees/senate/community_affairs/completed_inquiries/2010-13/commcontribformerforcedadoption/report/index)

Recommendation 14

12.36 The committee recommends that:

- All jurisdictions adopt a process for allowing the names of fathers to be added to original birth certificates of children who were subsequently adopted and for whom fathers' identities were not originally recorded; and
- Provided that any prescribed conditions are met, the process be administrative and not require an order of a court.

### **Discharge of adoption orders for adopted people:**

<https://www.qld.gov.au/community/caring-child/adoption/discharging-an-adoption-order>

"Nowhere else in law are competent, adult citizens permanently legally bound to contracts they did not sign and do not agree with. (Julie Kelly. Choosing Adoption. Or not. 2014)."

- The department of Adoption and Permanent Care Services makes the decision as to whether adoption is the appropriate option for achieving permanency for a child in care. This is a decision imposed upon the child at an age where they are unable to give informed consent to the legal name and identity changes and family severance.
- Once an adopted person reaches adulthood and gains awareness of the impacts of the loss associated with these changes, many want to return to the identity they were born with and reinstate their legal connection to their family.
- The conditions in the Act to be granted discharge need to be reformed.
- The current *Adoption Act 2009* Part 9 Adoption Orders, Division 7 Discharge of Final Adoption Order, 219 Grounds For Discharge does not allow an adopted adult the right to choose for themselves the name and identity they wish to live with. Despite an Adoption Order being made in the Childrens (District) Court, an application for Discharge is elevated to the Supreme Court. This is seen by many adopted adults as discrimination.
- It is recommended that this legislation be amended to provide adopted adults a no-fault discharge of their adoption through a District Court process.

### **Reporting Requirements:**

Currently numbers of:

- failed/disrupted adoptions,
- discharges of adoptions,
- adopted people who suicide,
- adopted people in the Child Protection system due to abuse or neglect by their adopters,
- adopted people in the criminal justice system

are NOT recorded or reported.

This is a necessary step towards gathering an evidence base as there is currently no longitudinal study in Australia into the outcomes for adopted people across their lifespan.

Therefore, adoption in Australia is NOT evidence based.

It is recommended that:

1. the above be implemented for all adopted persons, that data is collected about a person's adoption status when engaging with all Queensland Government services; and
2. an evidence-based, peer-review longitudinal research study be carried out into the outcomes for adopted people across their lifespan.

The true needs and support services required by adopted persons cannot be known until this vital research is carried out.

### **Abuse and Neglect by Adoptive Parents:**

Until now, adoption has not been seen as a form of out-of-home care and is not considered an institution despite adoption being selected and enacted by the Queensland Government.

Adopted people who were sexually abused by their adoptive parents were rejected from giving evidence to the *Royal Commission into Institutional Responses to Child Sexual Abuse*. They do not

have recognition for their suffering, nor qualify for support or redress.

This issue needs to be addressed for all current adopted people who have been neglected and/or abused by their adoptive parents.

It is recommended that adoption be recognised as a form of out-of-home care to further protect adopted people.

### **Adoption Act 2009**

#### **Part 15, 315 Publishing identifying material:**

<https://www.legislation.qld.gov.au/view/html/inforce/current/act-2009-029#sec.315>

(1) This section applies to material (identifying material) that identifies, or is likely to lead to the identification of, a person as—

- (a) a party, or relative of a party, to an adoption; or
- (b) a party, or relative of a party, to a court proceeding relating to an adoption; or
- (c) a person whose consent to an adoption is or was required.

(2) A person must not publish identifying material unless—

- (a) the publication is made with the written approval of the chief executive; or
- (b) written consent to the publication has been given, for each identified person, by—
  - (i) for an identified person who is an adult—that person; or
  - (ii) for an identified person who is a child other than a proposed adoptee—a parent of the child; or
  - (iii) for an identified person who is a proposed adoptee in the custody of a person under an interim order or under part 9, division 3—the person with custody of the child; or
  - (iv) for an identified person who is a proposed adoptee other than as mentioned in subparagraph (iii)—the chief executive.

#### **Maximum penalty—**

- (a) for an individual—100 penalty units or 2 years imprisonment; or
- (b) for a corporation—1000 penalty units.

(3) For this section, a child is a proposed adoptee if consent to the child's adoption has been given by each person whose consent is required before the proposed adoption order may be made.

(4) In this section—

*adoption* includes proposed adoption.

*identified person*, in relation to published material, means a person identified by the material as a person mentioned in subsection (1)(a) to (c).

*publish* means publish to the public by television, radio, the internet, newspaper, periodical, notice, circular or other form of communication.

### **Diethylstilboestrol (DES)**

DES was routinely administered to mothers whose babies were ear-marked for adoption to stop lactation.

DES is now known to be an endocrine-disrupting chemical, one of a number of substances that interfere with the endocrine system to potentially cause cancer, birth defects, and other developmental abnormalities.

<https://www.cancer.gov/about-cancer/causes-prevention/risk/hormones/des-fact-sheet>

*"In response to these findings, the report puts forward several recommendations for legislative reform, the most significant of which is a moratorium on adoptions as a transitional measure while pursuing the broader goal of phasing out adoption entirely in favour of alternative family care models. South Australian adoption laws are inherently incompatible with full compliance with human rights principles."*

**The Report:**

[https://www.rightsnetworksa.com/files/ugd/8cf77c\\_875592818754474ca2f90038e54202b7.pdf](https://www.rightsnetworksa.com/files/ugd/8cf77c_875592818754474ca2f90038e54202b7.pdf)

**Remove the statute of limitations for adoption related matters:**

For all parties to adoption: adopted persons, mothers, and fathers.

**Redress:**

For all parties to adoption: adopted persons, mothers, and fathers.

People affected by adoption, and in particular adoptees, have been excluded from Redress Schemes unlike Stolen Generations, Forgotten Australians & Former Child Migrants, and Child Sexual Abuse Survivors. Adoptees had many of the same experiences as they experienced.

Victoria is the only state to implement a Redress Scheme, with only mothers who lost children to adoption included. Adopted people and fathers were excluded.

The introduction of Redress and Financial Reparation Schemes are a Recommendation of:

The Senate

Community Affairs References Committee

Commonwealth Contribution to Former Forced Adoption Policies and Practices

February 2012

[https://www.aph.gov.au/parliamentary\\_business/committees/senate/community\\_affairs/completed\\_inquiries/2010-13/commcontribformerforcedadoption/report/index](https://www.aph.gov.au/parliamentary_business/committees/senate/community_affairs/completed_inquiries/2010-13/commcontribformerforcedadoption/report/index)

**Recommendation 6**

9.81 The committee recommends that formal apologies should always be accompanied by undertakings to take concrete actions that offer appropriate redress for past mistakes.

**Recommendation 11**

11.36 The committee recommends that the Commonwealth should lead discussions with states and territories to consider the issues surrounding the establishment and funding of financial reparation schemes.

**Recommendation 12**

11.43 The committee recommends that institutions and governments that had responsibility for adoption activities in the period from the 1950s to the 1970s establish grievance mechanisms that will allow the hearing of complaints and, where evidence is established of wrongdoing, ensure redress is available. Accessing grievance mechanisms should not be conditional on waiving any right to legal action.

<https://www.canceraustralia.gov.au/cancer-types/cervical-cancer/what-are-risk-factors-cervical-cancer/diethylstilboestrol-des>

The Senate  
Community Affairs References Committee  
Commonwealth Contribution to Former Forced Adoption Policies and Practices  
February 2012

[https://www.aph.gov.au/parliamentary\\_business/committees/senate/community\\_affairs/completed\\_inquiries/2010-13/commcontribformerforcedadoption/report/index](https://www.aph.gov.au/parliamentary_business/committees/senate/community_affairs/completed_inquiries/2010-13/commcontribformerforcedadoption/report/index)

***Lactation suppressants and breast binding***

3.55 Many submitters identified the drug diethylstilboestrol (DES) as being most commonly administered for this purpose:

# A STOLEN GENERATION IN THE MAKING

## Part 4

### **Pru Goward's Broken Promises and Babies for the Deserving**

Prue Goward misled the people of New South Wales. Before being elected to government she stated that she was going to “adopt a family preservation model” and stop overloading the foster care system making it unsafe for children.<sup>1</sup> After the election, rather than focusing on supporting families so they could reunite the policy suddenly changed to permanent removal of their children through adoption. Giving families rigid timeframes, without supportive services, to get their lives in order otherwise lose their kids forever.<sup>2</sup> Before elected she complained that the number of children removed from their families was “out of control” and that NSW “removes more children than any other state”.<sup>3</sup> She promised if the Coalition won government it would work to reduce removals “By working more with families” and that “there would be far fewer removals with children being safer”. Goward blamed the expansion of mandatory reporting for burdening the system, the taxpayer and making the system inefficient.<sup>4</sup>

Once elected however, Goward did a complete turn around. No longer was the foster care system ‘so overloaded it was failing’. She claimed it was because the annual budget for out-of-home care had doubled from \$304 million in 2004-2005 to \$694 million in 2010-2011 because of “the increasing number of abused and neglected children”.<sup>5</sup> The budget had blown out, but for all the reasons Goward had identified prior to her election, not because more children were being abused. This was a complete distortion of the truth. Claire Tilbury conducted research that identified the reasons for the increased number of children in the foster care system. The focus has been on quick removal rather than family preservation. Children are going into care at younger ages and staying longer. Tilbury stated there are a number of dynamics at play creating obstacles for a child being reunited with its family or for family preservation strategies being implemented. Hence over time there has been an accumulation of children in the out-of-home care system. Could this be the result of privatising the care industry - as placing and keeping a child in foster care is financially expedient for the non-government organisations now contracted to facilitate care? The fact children are kept in care longer coupled with the impact of mandatory reporting creates another problem, there are not enough reputable foster carers, hence state contractors have employed foster carers that are not properly screened.<sup>6</sup> This has led to numerous complaints and currently many carers are under investigation. This is discussed later.

It is important for policy considerations to understand the real reason for the increase in the number children in care otherwise there will be implementation of very poor public policy. A case in point is Goward's introduction of the punitive legislation that underpins Forced Adoption which she justifies by stating it is to curb the increase of children in foster care and to provide more stability in placement. Unfortunately this speaks more to her pro adoption agenda than resolution of a societal problem. For instance, at 30 June 2001, there were 18,241 children in out-of-home care across Australia. By 30 June 2008, this had risen by 73.6% to 31,166 children. The

prevalence rate of children in care increased from 3.9 per 1000 in 2001 to 6.3 per 1000 in 2008. However, there had been **little change in the number per year** of children entering out-of-home care across Australia over the period.<sup>7</sup> A total of 12,030 children were admitted to out-of-home care across Australia in 2000-2001 compared with 12,891 in 2007-2008, an increase of 7.2%. The rate per 1000 of admissions to out-of-home care across Australia in that period increased slightly from 2.5 to 2.6 per 1000. Hence the inflow each year has remained steady. In some states, the rate of admissions declined. In Victoria the number of admissions increased over the period by just 1%. In NSW the number of admissions decreased by 1.7% from 4,542 to 4,467 over the 8 year period.<sup>8</sup>

Mandatory reporting differs across states and territories. This impacts on the number of children placed in out-of-home care in the various jurisdictions. For instance, the persons who may report, the criteria used to determine types and levels of abuse that meet notification requirements are not uniform across Australia.<sup>9</sup> An example of which is the following case study which highlights the fact that even after abuse in the foster care industry was exposed the numbers admitted to care increased sharply.

A Crime and Misconduct Commission Inquiry into the abuse of children in foster care commenced implementation in 2004.<sup>10</sup> The Commission investigated allegations of sexual and physical abuse of children in foster care. There were two investigations of misconduct conducted on officers of the Department of Families and “many other complaints” against departmental officers accessed. In short children removed from their families supposedly for their protection were placed with individuals who sexually and physically abused them. When officers were alerted to the abuse they failed to remove the child from their foster homes.<sup>11</sup> The Report identified significant failings within the child protection system and concluded that “over a long period of time the Queensland child protection system itself failed to deliver the support and services required for children at risk of abuse”. It recommended a serious overhaul of the system.<sup>12</sup> However Claire Tilbury noted: “It is ironic that an inquiry finding widespread abuse of children in foster care should be followed by a spike in admissions of children to foster care”.<sup>13</sup>

An explanation for this spike may be that in 2005 nurses were included as mandatory reporters in Queensland under the *Public Health Act 2005* (Qld.) sect 191 & 192.<sup>14</sup> Additionally Queensland mandatory reporting is wide and includes notification if the person has a reason to suspect the child is “likely to be harmed” by any person (not just those who reside in the same domicile) and includes the criteria of psychological and/or emotional abuse.<sup>15</sup> Tilbury concludes: “Queensland data are largely responsible for a “status quo” rate of children entering care every year for Australia. If Queensland was out of the picture, or showed the same pattern as other jurisdictions, the entry rate to care each year would have declined Australia-wide”.<sup>16</sup> Tilbury hypothesised that the number of children in foster care increased over the 8 years of her research because “reunification efforts waned as permanency planning captured policy attention”. And that “adversarial stances with parents have contributed to concentrating the permanency debate on adoption and permanent care orders”, rather than alternative options for stability such as keeping the family intact.<sup>17</sup>

The Commission suggested that reunifications were not undertaken as there existed a conflict of interest with protection workers who on the one hand made the notification

about the child being at risk and on the other selected the foster carers. To avoid this conflict it recommended that these two functions should be conducted by separate entities in which case the child had a better chance of reunification with its family.<sup>18</sup> The recommendations of this report were not heeded. This had led to the recent damning report by the latest inquiry into the Queensland care industry. Commissioner Carmody stating that there were systemic failures made worse by significant over reporting with the protection industry failing to protect the most vulnerable. He said there should be a "better system to support families and avoid children being put into state care" in the first place.<sup>19</sup> Babies and toddlers under 3 however, are to be fast tracked to adoption.<sup>20</sup> I will discuss this later. The Queensland government has accepted the major provision of the Inquiry that: "Parents and families should take primary responsibility for the protection of their children and that, where appropriate, parents should receive the support and guidance they need to keep their children safe. It is only as a last resort that the government should intervene in a statutory role to ensure the protection of children who are at significant risk of harm".<sup>21</sup>

Unfortunately for NSW Goward has not properly researched the reasons behind the high number of children presently in foster care. She is rushing down the path from which the Queensland Government is currently trying to extricate itself. Her agenda, I suggest, is going to make an already bad situation worse. She knows the problems and the solutions, but is failing NSW families because of her pro adoption stance. After she was elected there was no more discussions about reuniting families or family preservation, nor any attempt to provide additional support such as services for housing, disability, alcohol, drug treatment, mental health and family violence.<sup>22</sup> Rather Goward blamed vulnerable families and began slashing money from her troubled Department. Barbara Perry, Shadow Minister for Family and Community Services, stated "For the first time in over a decade, the budget for Family and Community Services has gone backwards. This year's budget expenditure is \$1.4 billion, down from \$1.6 billion last year ... There are two gaping holes in the budget – no extra funding for both early intervention and family restoration programs and inadequate support for the transfer of foster care to Non Government Agencies". Perry states: "and this was after Goward promised on the ABC program *Lateline*, that she was going to use enormous resources to get these families straight".<sup>23</sup>

Goward has divulged the real reasons she had a change of heart: saving money and a willingness to promote the interests of childless couples.<sup>24</sup> Interestingly these two objectives are not mutually exclusive. Goward is implementing a short sighted fix to remedy the welfare budget blow out<sup>25</sup> by remedying the lack of babies/infants for "childless couples".<sup>26</sup> Many of who are now finding it difficult to become parents as "overseas adoption is almost impossible". This is not the outcome of "red tape" or bureaucratic bungling,<sup>27</sup> but because one after the other countries are closing down because of the levels of corruption in the intercountry adoption system. Full of child trafficking, black markets and corrupt middle men countries have either stopped or considerably reduced the number of infants they are sending abroad to meet the needs of comparatively wealthy westerners. Save the Child UK states that up to 98% of babies in orphanages have a living, but impoverished parent. All have relatives. Further recent research has shown that the child's best interests are rarely considered or their rehabilitation with their biological family prioritised over international procedures. It is rarely the last resort it is supposed to be. In fact, research has

shown that international adoption is associated with an increase in the numbers of children in residential care rather than a decrease in both sending and **receiving** countries.<sup>28</sup> An important fact to note is that when the money goes out of the adoption market the number of “orphans” who need “saving” drops accordingly – and the number of adoptable BABIES drops to zero.<sup>29</sup> This should stand as a warning – turn the out-of-home care into an industry and ruthless market principles prevail.<sup>30</sup>

Why Pru Goward wants to follow the US model of “grab the baby and run” is unfathomable.<sup>31</sup> A superficial investigation into the US’s unregulated billion dollar adoption industry<sup>32</sup> or the UK’s show they are both riddled with unquestionable practices, exploitation of women and a vehement disregard for maternal rights.<sup>33</sup> The US industry is criticised by child welfare experts both here and in the US for being enormously wasteful, totally inefficient and completely failing to protect the children within the system.<sup>34</sup>

When one unpacks the spin Minister Goward is using to promote Forced Adoption what she is really proposing is reduced parental rights, separating out a child from its kin, community and culture and making its transfer to strangers more socially accepted. It once again gives those in more powerful positions the right to decide, who is and who is not, ‘fit’ to rear children. Professor Ainsworth describes the rush to take children for adoption as supplying “babies for the deserving”.<sup>35</sup>

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# A STOLEN GENERATION IN THE MAKING

## Part 8

### Adoptive Parents Do Not Want Contact with Original Parents

Adoptive parents fought hard against the right of their adopted children now adults to access information about their biological parents contained in their adoption records. In Australia adopters formed the Adoptive Parents Privacy Group and lobbied the government not to allow adoptees access to their information.<sup>1</sup> They were concerned it would disrupt their adoptive families. They felt betrayed that adoptees wanted to know their kin. When US adoptees tried to gain access to their records the APPG worked with the US based National Council For Adoption (NCFA) to ensure they did not succeed. The APPG applauded the State of Tennessee's decision not to allow adoptees access to their information as a victory for adoptive parents and applauded themselves for their contribution to the outcome.<sup>2</sup> APPG and its sister organisation: The Australian Council for Adoption (ACFA) had links to William Pierce, the former Director of the NCFA and former President and Executive Director for the Committee of the International Association of Voluntary Adoption Agencies and NGO's (IAVAAN).<sup>3</sup> Pierce stated in an affidavit, he made when campaigning to stop the opening of the Tennessee records:

The opening of adoption records and the reappearance of birth parents ... have caused many potential parents to fear adoption in the USA ... [It was] found that 10% of Americans who adopt from overseas did so because of this fear.

William Pierce was an avid supporter of closed secret adoption as are adoptive parents in general.

Trudy Rosenwald, in an ACFA submission to the government stated:

<sup>1</sup> Adoptive Parents Privacy Group <http://www.adoptionprivacy.asn.au/>

<sup>2</sup> Adoptive Parents Privacy August Newsletter 1995

<sup>3</sup> William Pierce, 'Death of Adoption in Australia?', Submission 56 of the Australian Council of Adoption

[http://www.aph.gov.au/parliamentary\\_business/committees/house\\_of\\_representatives\\_committees?url=fhs/.adoption/subs.htm](http://www.aph.gov.au/parliamentary_business/committees/house_of_representatives_committees?url=fhs/.adoption/subs.htm) ; see Rita Carrol's and Dorel Law's (APPG & ACFA) oral testimony to the Standing Committee on Family and Human Services, 'Inquiry into adoption of children from overseas, July 21, 2000 p. 22-24

[http://www.aph.gov.au/parliamentary\\_business/committees/house\\_of\\_representatives\\_committees?url=fhs/.adoption/subs.htm](http://www.aph.gov.au/parliamentary_business/committees/house_of_representatives_committees?url=fhs/.adoption/subs.htm)

<sup>4</sup> *Promise DOE, Kimberly C and Russ C and Small World Ministries, Inc v Donald Sundquist, Governor of the State of Tennessee, Charles Burson, Attorney General of the State of Tennessee and Linda Rudolph, Commissioner of the department of Human Services in the United States District Court for the Middle District of Tennessee Nashville Division No. 3: 96-0599*

[http://www.americanadoptioncongress.org/TN\\_legislation\\_files/pierce.htm](http://www.americanadoptioncongress.org/TN_legislation_files/pierce.htm) And see [http://www.americanadoptioncongress.org/TN\\_legislation\\_files/victory.htm](http://www.americanadoptioncongress.org/TN_legislation_files/victory.htm)

There is no longer any confidentiality in adoption arrangements ... even though it is not in the best interests of the adopted person or the birth parent to have their rights to privacy violated. Adoptive parents are “selfish and possessive” if they wish to preserve the unity and security of their intact family ... Thus Australia is seeing continual decreases in adoption, due largely to this negative portrayal of adoption which started in the 70s as a strategy in the campaign to open closed adoption records, which in itself is a strategy to destroy adoption ... Anti-adoption culture ... this was activated initially by the opening of the adoption records, thus abolishing the last vestiges of privacy.<sup>5</sup>

The ACFA made a submission to the Inquiry into Adoption of children from overseas (2005) chaired by Bronwyn Bishop. In it they complained about the anti-adoption culture, so designated because this country had given adoptees’ the right to access their original birth records. Adoptive parents advocated for the removal of single mothers’ children because they accused them of being child abusers. In their submission the ACFA were concerned that amendments to the 1994 WA Act would “abolish the last vestiges of privacy in adoption [and]... that would discourage adoption”.<sup>6</sup> The APPG is still in operation today.<sup>7</sup>

The APPG which represents the interests of adoptive parents throughout Australia has the ear of government. Part of their oral and written testimony was cited in Bishop’s Final Report. Adoptive parents have stated to Bronwyn Bishop that they prefer to adopt overseas because they did not have to “deal with birthparents”.<sup>8</sup>

One member of the APPG stated:

I understand the current minister, Mike Reynolds, is pro adoption. I think he is very much on side with the open adoption philosophy, which is not really a good thing ... There has to be an option for confidentiality, particularly in today’s climate; otherwise, as they found in America, you will have trouble having crack-addicted babies adopted—I am talking about locally adopted—because adoptive parents do not want constant visitations by the crack addicted birth parents, at least until the child is 18. So there has to be an option for confidentiality somewhere along the line. It cannot be just blanket open adoption.<sup>9</sup>

<sup>5</sup> Trudy Rosenwald in collaboration with Rital Carroll, ‘From the trenches of the war on adoption in Australia’, Submission 56 of the Australian Council of Adoption [http://www.aph.gov.au/parliamentary\\_business/committees/house\\_of\\_representatives\\_committees?url=fhs/./adoption/subs.htm](http://www.aph.gov.au/parliamentary_business/committees/house_of_representatives_committees?url=fhs/./adoption/subs.htm)

<sup>6</sup> Australian Council of Adoption, Submission 56, Standing Committee on Family and Human Services, ‘Inquiry into adoption of children from overseas’ [http://www.aph.gov.au/parliamentary\\_business/committees/house\\_of\\_representatives\\_committees?url=fhs/./adoption/subs.htm](http://www.aph.gov.au/parliamentary_business/committees/house_of_representatives_committees?url=fhs/./adoption/subs.htm)

<sup>7</sup> <http://www.adoptionprivacy.asn.au/>

<sup>8</sup> AIHW 2013. *Adoptions Australia 2012-2013*. Child Welfare Series 57 Cat. No. CWS 47, Canberra: AIHW, pp. . 10-11. <http://www.aihw.gov.au/publication-detail/?id=60129545516&tab=2>

<sup>9</sup> Rita Carroll, APPG & ACFA, oral testimony to the Standing Committee on Family and Human Services, ‘Inquiry into adoption of children from overseas, July 21, 2000 at p. 19’ [http://www.aph.gov.au/parliamentary\\_business/committees/house\\_of\\_representatives\\_committees?url=fhs/./adoption/hearings.htm](http://www.aph.gov.au/parliamentary_business/committees/house_of_representatives_committees?url=fhs/./adoption/hearings.htm)

Minister Goward has assured NSW citizens that adoptions will allow children contact with their parents. This is not though the stated intention or desire of adoptive parents. Professor Ainsworth stated that the approach to adoption whereby foster carers can more easily adopt a child placed with them has the potential to return to an era of 'closed' adoption. He explains:

It is unlikely that an adopter recruited in this way is going to be in favour of sharing the child with a birth parent in an 'open' adoption ... there is no indication that Australian adoptive parents will be prepared to share the child with the birth family. It is also possible that this new policy will lead to a weakening of the Aboriginal Placement Principle. Will Aboriginal children be adopted out of the kinship group again? If Aboriginal children will not be subject to this new easier adoption process then it could be argued that non-Aboriginal parents whose parental rights are dispensed with by the Supreme Court of NSW will be victims of racial discrimination ... such an approach is unlikely to increase social cohesion.<sup>10</sup>

Even when adoptive parents agree to open adoptions there is no guarantee that they will maintain contact. They may claim that the contact is disruptive to the placement and negotiate for reduced or no contact. They may move interstate or overseas and the mother and father cannot afford to visit the child. In the US many poor mothers were enticed into adoption by the reassurance that they would have ongoing contact and information about their infant. When adoptive parents have reneged on their obligations there has been catastrophic results with some mothers committing suicide.<sup>11</sup> However maintaining open adoptions is not easy. It can prove too painful and distressing for family members and many parents withdraw their contact, much to the distress of the child.<sup>12</sup> Some suicide.<sup>13</sup> Open adoptions are not a solution, only a bandaid and a very dangerous one.

<sup>10</sup> Ainsworth, F. & Hansen, P. (2009). 'Babies for the Deserving: Developments in Foster Care and Adoption in one Australian State – Others to Follow?', *Just Policy*, 50, pp. 24-29 at p. 26

<sup>11</sup> Strarpulse.com. News, (2006, Mar 14). Hugh Jackman and his wife, Deborra-Lee Furness, are in shock after learning tht the mother of their adopted son Oscar has killed herself. Amber sanders, 28, had an ongoing battle with drugs and depression after giving her child away to the Australian actors. According to her father Tom Lanhem, "She was very distraught over never being able to see her son Oscar" Contactmusic.com Men – Suicide rocks Jackman Mar 14, 2006, Retrieved Oct 22, 2008 from <[http://www.contactmusic.com/new/xmlfeed.nsf/mndwebpages/suicide%20rocks%20jackman\\_14\\_03\\_2006](http://www.contactmusic.com/new/xmlfeed.nsf/mndwebpages/suicide%20rocks%20jackman_14_03_2006)>; PRWebb *Fast Track Adoption Ends in Suicide: Natural mother commits suicide after "Fast Track Adoption" Reveals how she was used by the woman who adopted her daughter* April 13, 2004 <<http://www.fixcas.com/oppose/pr.pdf> ; Teenager mother found hanged days after discovering her baby had been adopted Daily Mail Reporter June 1 2011 <http://www.dailymail.co.uk/news/article-1393059/Teenager-mother-hanged-just-days-discovering-baby-adopted.html>

<sup>12</sup> Neil, Elsbeth. (2007). 'Coming to Terms with the Loss of a Child', *Adoption Quarterly*, 10(1), pp. 1-23; Berry, M., Cavazos Dylla, D. J., Barth, R. P. & Needell, B. (1998). 'The role of open adoption in the adjustment of adopted children and their families', *Children and Youth Services Review*, 1, pp. 151-171; Christian, C. L., McRoy, R., Grotevant, H. D. & Bryant, C. M. (1997). 'The grief resolution of birth mothers in confidential, time-limited mediated, ongoing mediated and fully disclosed adoption', *Adoption Quarterly*, 1, pp. 35-58; Logan, J. (1996). Birth mothers and their mental health: Uncharted territory, *British Journal of Social Work*, 26, pp. 609-625; Etter, J. (1993). 'Levels of cooperation and satisfaction in 56 open adoption', *Child Welfare*, 72, pp. 257-267.

<sup>13</sup> Staff Reporter. (2011, June 1). 'Teenage mother found hanged days after discovering her baby had been adopted', *Daily Mail*, <http://www.dailymail.co.uk/news/article-1393059/Teenager-mother-hanged-just-days-discovering-baby-adopted.html>

In the US research was done in the late 1970s to find out what the best method was to convince usually poor white mother to give up her newborn for adoption.<sup>14</sup> Open adoption was initially proposed by Baran et al as a way of encouraging unmarried women (and specifically unmarried white women) to relinquish their babies for adoption at a time when they were increasingly choosing to raise them alone. Their research indicated that promising a mother ongoing contact and information about her child would be the “lure” to get more babies for the adoption market. These agreements are not legally binding nor could they restrict adoptive couples from moving interstate or overseas.

One of the most revolting tactics used to obtain babies is the promise of “open adoption”, the promised of continued contact with their child, made only with the intent to lure in unsuspecting mothers who might have otherwise kept their child. Open adoption agreements are not legally binding as other child custody or visitation agreements are and this frequently has devastating consequences. Many a mother is grieving the loss of a child to adoption. This grieving is compounded when she has so obviously, blatantly been used as a baby-making machine and then tossed out like yesterday’s garbage once her child is in possession of the adopters.<sup>15</sup>

In Australia many women have spoken out about their distress at having their baby forcibly removed and then being completely cut off from their infant forever. Many stated that it felt as if their baby had been kidnapped. Many professionals working in agencies are aware of the high number of suicides amongst this population and of the severe mental health problems including PTSD. Hence to persuade state governments and professionals working with disadvantaged families and youthful parents certain organisations and individuals have stated that these adoptions are different – using the same US style tactics described above, they claim they are better because they are open.

Louse Voigt and Minister Pru Goward when interviewed both stressed that adoption was not like it was in the past - now it was open. Voigt reassured the press that families would be able to have contact at least 3 times a year. This argument is nothing more than a distraction. According to the Australian Institute of Health and Welfare (AIHW) open adoptions have been part of contemporary adoptions for “more than a decade”.<sup>16</sup> What Voigt and Goward are proposing in limiting contact between children and their family is nothing but a scaling back of rights parents already have

<sup>14</sup> Baran, A., Pannor, R., & Sorosky, A. (1976). ‘Open adoption’, *Social Work*, 21, pp. 97-100; Barth, R. (1987). ‘Adolescent Mothers Beliefs about Open Adoption’, *Social Casework*, 68, pp. 323-331; Caragata, L. (1999). ‘The construction of teen parenting and decline of adoption’, in James Wong and David Checklands (Eds.), *Teen Pregnancy and Parenting: Social and Ethical Issues*, Ontario: University of Toronto Press; Cocozelli, C. (1989). ‘Predicting the decision of biological mothers to retain or relinquish their babies for adoption: Implications for open placement’, *Child Welfare*, 68, pp. 33-44; Daly, K. (1994). Adolescent perceptions of adoption: Implications for resolving an unplanned pregnancy. *Youth and Society*, 25(3), pp. 330-350; Sobol, M. & Daly, K. (1992). ‘The adoption alternative for pregnant adolescents: Decision making, consequences, and policy implications’, *Journal of Social Issues*, 48(3), pp. 143-161.

<sup>15</sup> Frisch, L. (2004, Apr 13). ‘Fast Track Adoption’ Ends in Suicide’, PRWeb Press Release Newswire, <http://www.fixcas.com/oppose/pr.pdf>

<sup>16</sup> AIHW 2013. *Adoptions Australia 2012-2013*. Child Welfare Series 57 Cat. No. CWS 47, Canberra: AIHW. p. 37 <http://www.aihw.gov.au/publication-detail/?id=60129545516&tab=2> at p. 26

Open adoption is no solution, it is cruel and causes grief and loss to not only the mother and father, but the entire extended family.

Kallen et al noted that open adoption by itself would not be sufficient to persuade sections of the community that adoption was no longer like it was in the “bad old days”. Kallen stated “the mere availability of open procedures will not be sufficient. Family professionals must take advantage of the opportunity to provide information, guidance, and counselling in support of open adoption”. All such measures were identified as being needed to convince society of open adoption’s ‘benefits’.<sup>17</sup>

### Adoptive Parents want Babies – Not Children over 3<sup>18</sup> 19

Past adoptions in Australia operated according to the market principles of supply and demand.<sup>20</sup> Unfortunately it is once again demand for babies by a powerful lobby of infertile couples that is the driving force behind the latest campaign to “save” children.<sup>21</sup> Saving children however is only a smokescreen for what is the real agenda: owning a baby.<sup>22</sup> Adopters do not want older children, they want brand new infants.<sup>23</sup> Deborra-lee Furness made this apparent when she admitted that after she and Jackman adopted two newborns through the US adoption system that many

<sup>17</sup> Kallen, D., Griffiore, R. J, Popovich, S & Powell, V. (1990).. Adolescent others and their mothers view adoption. *Family Relations*, 30, pp. 313-316. p. 316

<sup>18</sup> Joanna Moorhead, (2014, Jan 11). ‘Adoption parties: the best way for children and parents to meet?’ *The Guardian*, <http://www.theguardian.com/lifeandstyle/2014/jan/11/adoption-parties-best-way-children-parents-meet> Cole, C. (2008). *Releasing the Past: Mothers’ stories of their stolen children* Sydney: Sasko Valenjo; The following is a response that was posted on a newspaper website promoting the Furness campaign: “Couples who go through IVF often have repeated attempts costing thousands of dollars. So by the time they give up on IVF and seek adoption avenues, they have already spent a small fortune. So what I would like to ask is why the NSW Government charges \$10,000? What do they spend this money on? I am very sure the paperwork would not amount to \$10,000. Why isn't this amount refundable should you be unsuccessful? They are offering a service and not delivering, so why should you still have to pay? Why does the adoption process take years? Do the people in authority realise the agonising process of not being able to conceive a child and then having to wait years for a much wanted child?” <http://www.news.com.au/dailytelegraph/comments/0,22058,22189580-5001021,00.html> Posted by: Daisy Williams of 4:42pm August 05, 2007

<sup>19</sup> Bronwyn Bishop is pro adoption and supports forced adoption, but even she understands adopters do not want children over 5. She stated: “all children under five who have a parent who has used drugs, even if not using them now, should have their children immediately taken and adopted out” ; Bunce, J. (2007). Adopt out the children of drug addicts *The Australian* Aug 27, <http://www.lyinx.com.au/page.aspx?docid=28> ; Santow, S. (2007). Bishop wants rethink on addicts’ children July 23, *ABC* <http://www.abc.net.au/am/content/2007/s1985268.htm>

<sup>20</sup> Marshall, A. & McDonald, M. (2001). *The Many Sided Triangle: adoption in Australia*, Melbourne: Melbourne University Publishing

<sup>21</sup> Horton, S. Furness’s date with Attorney-General *The Sun Herald*, the Diary S2 Feb 24, 2008; Connolly, E, A present for all the children *The Sunday Telegraph* Dec 23, 2007, p. 3; Connolly, E ‘Big Day for adoption campaign *The Sunday Telegraph* April, 27, 2008, p. 36; Connolly, E Our adoption laws an embarrassment *The Sunday Telegraph* August 5, 2007 p. 9; Connolly, E. Jolie’s doctor crusades *Courier Mail* April 6, 2008 <http://www.news.com.au/couriermail/story/0,23739,23492936-5012980,00.html>; Connolly E, Actress’s mission to overhaul the rules :Adoption fight goes to Rudd *The Sunday Telegraph*, Nov 11, 2007, p. 30; O’Neill, M. (2008). Actress helps win adoption issue *The Sunday Telegraph* Mar 30, 2008 p. 34.

<sup>22</sup> Marshall, A. & McDonald, M. (2001). *The Many Sided Triangle: adoption in Australia*, Melbourne: Melbourne University Publishing, p. 42

<sup>23</sup> Roberts, H. (2011, April 18). ‘Orphans aged over five left to languish in care because they’re ‘too old’ for adoption’, MailOnline <http://www.dailymail.co.uk/news/article-1377982/Orphans-aged-left-languish-care-theyre-old-adoption.html>

potential adoptive parents asked her to help them to achieve the same here.<sup>24</sup> When asked how long couples should wait to adopt Furness responded: "Gestation".<sup>25</sup> When asked if she would adopt an older child from foster care she stated: "In good faith, I don't know that I would have considered that".<sup>26</sup> Minister Goward has stated publicly that promoting adoption will "benefit infertile couples"<sup>27</sup> However adoption is not supposed to be an adult based service it is supposed to be a last resort for children without parents or kin and conducted "in their best interests".<sup>28</sup> "A guiding principle in modern adoption is that it is a service for children not for adults wishing to acquire the care of a child".<sup>29</sup> Since Minister Goward wishes to emulate the US and UK adoption system it may be worthwhile to examine some outcomes of their model.

According to a UK article "While many babies are being adopted, as children get to school age the chances of getting adopted fall off dramatically".<sup>30</sup> In the year 2000 Tony Blair followed President Clinton's lead and "streamlined adoption" by introducing financial incentives and bonuses to increase the number of adoptions conducted. However adopters wanted babies not older children. So by 2008 the number of babies taken into care increased by 300% with 4 babies being taken every day.

An investigative journalist stated:

I have been told of routine dishonesty by social workers and questionable evidence given by doctors which has wrongly condemned mothers. Meanwhile millions of pounds of taxpayers' money has been given to councils to encourage them to meet high Government targets on child adoption. Tony Blair changed targets in 2000 to raise the number of children being adopted by 50% to 5,400 a year. The annual tally has now reached almost 4,000 in England and Wales – 4 times higher than France, which has a similar-sized population. Blair promised millions of pounds to councils that achieved the targets and some have already received more than 2 million pounds each in rewards. Figures recently released by Essex and Kent councils show they received more than 2 million pound in bonuses over three years to encourage additional adoptions. This was supposed to get difficult to place older children in care but it didn't work. Encouraged by the promise of extra cash, social workers began to earmark babies and cute toddlers who were most easy to place in adoptive homes, leaving even more children languishing in care. As a result the number of children

<sup>24</sup> Connolly, E. 'Our adoption laws an embarrassment' *The Sunday Telegraph* Aug 5, 2007, p. 9: "The process in America was quick and inexpensive" Furness states. She adopted a newborn domestically within 12 months of applying.

<sup>25</sup> Ch. 10 9am with Dave and Kim Interview with Deborra-lee Furness Sept 30, 2008  
<http://forums.ten.com.au/9am/forums/message.jspa?messageID=852776#852776>

<sup>26</sup> Tovey, J. (2012, Nov 26). 'Change in policy 'must be backed up with support', *SMH*,  
<http://www.smh.com.au/nsw/change-in-policy-must-be-backed-up-with-support-20121125-2a1ha.html>

<sup>27</sup> Somalis, L. (2012, Nov 11). '46 Adoptions in NSW this Year', *The Sunday Telegraph*, p. 31.

<sup>28</sup> Marshall, A. & McDonald, M. (2001). *The Many Sided Triangle: adoption in Australia*, Melbourne: Melbourne University Publishing, p. 42.

<sup>29</sup> Government of South Australia Department of Families and Communities. (2005). House of Representatives Standing Committee on Family and Human Services, *Inquiry into adoption of children from overseas*, Submission No. 245, p. 8.

<sup>30</sup> Roberts, H. (2011, April 18). 'Orphans aged over five left to languish in care because they're 'too old' for adoption', MailOnline <http://www.dailymail.co.uk/news/article-1377982/Orphans-aged-left-languish-care-theyre-old-adoption.html>

over seven adopted has plummeted by 50%. From the moment a mother is first accused of being 'unfit' to parent, a decision nearly always made by a social worker or doctor, the system is pitted against her. If a social worker lies or fabricates notes or a medical expert giving evidence makes a mistake no one finds out and there is no retribution. The system's secrecy hides any wrong doing. One has to ask if a mother is expected to have problems looking after the baby why doesn't the State help her instead of taking her child away? <sup>31</sup>

A recent case that has shocked the world is the forced caesarean of an Italian woman who had a relapse of a bi-polar disorder whilst studying in Britain. It was reported that she stopped taking her medication, had a panic attack and was then sectioned under the *Mental Health Act*. The baby was taken into care at the birth by Essex social workers. The little girl is now up for adoption even though the mother is fully recovered and wants to return to Italy with her daughter. An MP called the Essex children's services 'unaccountable and out of control'.<sup>32</sup> It has been revealed that Mr. Justice Mostyn of the Court of Protection authorised doctors to carry out the C-section using "reasonable restraint" because he claimed a "natural delivery risked rupturing her womb". There were also concerns that the mother would be uncooperative when she went into labour and doctors would be "unable to monitor the baby's heartbeat to see whether Ms Pacchier's womb had ruptured".<sup>33</sup> The abuse of power, when unchecked and financially rewarded, has led to such atrocities as the one just described and to claims that UK adoption services rivals the institutions one would expect to find in a fascist state ruled by someone akin to Hitler.

In the UK, by 2013, so many children had been forcibly removed and their parents' rights permanently extinguished that recruiting adopters for older children had become extremely difficult.<sup>34</sup> So agencies desperate to find parents to adopt the many children stuck in the foster care system have started to place ads in newspapers in what one adoption expert stated: "Felt liked the children were being advertised like an unwanted animal or second-hand sofa". This has now evolved into placing children's profiles and pictures up on the net so that potential adopters from all over Britain have a greater selection of children from which to choose.<sup>35</sup>

In the UK it is estimated that more than 40% of children, whose parents had their rights terminated in order to free them up for adoption, do not get adopted and remain in the foster care until they age out.<sup>36</sup> For these children the future is bleak. One-third of children in care leave without matriculating only 6% of care-leavers go to

<sup>31</sup> Reid, S. (2008, Jan 31). 'How Social services are paid bonuses to snatch babies for adoption', MailOnline, <http://www.dailymail.co.uk/news/article-511609/How-social-services-paid-bonuses-snatch-babies-adoption.html>

<sup>32</sup> Doughty, S. (2013, Dec 1). 'Please don't take my baby: Agony of mother whose baby girl was put up for adoption after secret court judge forced her to have a caesarean', MailOnline, <http://www.dailymail.co.uk/news/article-2516270/Please-dont-baby-Agony-mother-baby-girl-adoption-secret-court-judge-forced-caesarean.html>

<sup>33</sup> Adoption row child must have anonymity, (2013, Dec 14). *Yorkshire Post* <http://www.yorkshirepost.co.uk/news/main-topics/general-news/adoption-row-child-must-have-anonymity-1-6316155>

<sup>34</sup> *ibid*

<sup>35</sup> Amanda Williams. (2013, Dec 24). 'Parents can adopt online: Children's photos and profiles to be put on internet to boost adoption rates', *Daily Mail*, [http://www.dailymail.co.uk/news/article-2528818/Parents-adopt-online-Childrens-photos-profiles-internet-boost-adoption-rates.html?ITO=1490&ns\\_mchannel=rss&ns\\_campaign=1490](http://www.dailymail.co.uk/news/article-2528818/Parents-adopt-online-Childrens-photos-profiles-internet-boost-adoption-rates.html?ITO=1490&ns_mchannel=rss&ns_campaign=1490)

university compared with 38% of all young people (which includes those left in challenging families). 40% of all young people in young offender institutions have been in care for more than two years before ending up in prison, while 25% of the adult prison population have been in care as children. UK adoption expert Kate Hilpern states that because of the above appalling statistics for the outcomes of children freed up for adoption, but who nobody wants, social workers feel they must now advertise them in the national press. Joanne Alper, a service director at AdoptionPlus said her agency was under a lot of pressure to be creative and find adoptive parents so that is why her agency advertised the children. Between 2011-2013 years things became so desperate that adoption agencies began holding adoption markets. These are gatherings where children are put on display so that potential adopters may select the one they want.<sup>37</sup> The markets are usually reserved for hard to place children, such as those over three, sibling groups and children with special needs. A booklet of the children's profiles is provided.<sup>38</sup> In short the UK and the US by offering financial incentives for agencies and local authorities to foster and adopt children have created a market based care system that fails to protect children, has created a domestic market that relies on trafficking children from one class to another and has led to thousands more children languishing in foster care and institutions.<sup>39</sup>

Pru Goward's attempt to implement legislation to make it easier for couples to adopt does not mean they will want children over three from foster care. Neither does it necessarily mean that all foster carers will want to adopt. The president of the NSW Foster Carer Association, Patray Moncacha, said many carers had been deterred from adoption because of financial pressures.

A lot of the foster carers are pensioners. Financially they cannot simply support children in their care, not knowing what medical requirements is needed ... they can't make that commitment.

The opposition community services spokeswoman, Linda Burney, raised doubts as to whether sufficient numbers of parents would be willing to take on children. "We know that these children, particularly the babies, are born with significant health problems and can be addicted to opiates; the older children are often deeply scarred, damaged and many have disabilities," she said.<sup>40</sup> Supporters of adoption argue that increased money should be provided for adopters to look after children with special needs, why isn't the government spending the money on assisting their own families do the same? The only assumption one can make is that this policy is more about punishment, and social control that what is in the best interests of the child which should include its family. Commissioner Carmody has already identified that children

<sup>36</sup> Halpern, K. (2013 Dec 11). 'Parents wanted: Why adoption agencies are going to greater lengths to find home for children', *The Independent* <http://www.independent.co.uk/life-style/health-and-families/features/parents-wanted-why-adoption-agencies-are-going-to-greater-lengths-to-find-homes-for-children-8996423.html>

<sup>37</sup> Hilpern, K. (2013, Sept 24). 'Adoption parties: the best way to find a child a family', *The Independent*, <http://www.independent.co.uk/life-style/health-and-families/features/adoption-parties-the-best-way-to-find-a-child-a-family-8835355.html>

<sup>38</sup> *ibid*

<sup>39</sup> Reid, S. (2008, Jan 31). 'How Social services are paid bonuses to snatch babies for adoption', MailOnline, <http://www.dailymail.co.uk/news/article-511609/How-social-services-paid-bonuses-snatch-babies-adoption.html>

<sup>40</sup> Tovey, J. (2012, Nov 26). 'Change in policy 'must be backed up with support'', <http://www.smh.com.au/nsw/change-in-policy-must-be-backed-up-with-support-20121125-2a1ha.html>

do far better and are far safer if they are kept in their own homes with support services.

In the previous Forced Adoption era, when abusive practices, such as the use of secret codes and forcibly taking the baby at the moment of birth stopped, the number of babies available for adoption dropped dramatically. Adoptive parents began to source babies overseas.<sup>41</sup> They did not take children from foster care. They wanted healthy babies or infants and they did not want “complications with birthparents”.<sup>42</sup> In the last few years because of the illegal trafficking in intercountry adoptions many sending countries have considerably reduced the number of babies or toddlers sent or have stopped altogether.<sup>43</sup> The fall in the number of intercountry adoption has been in decline since 2006. According to the AIHW the proportion of infants aged under 12 months continued to decline from a peak of 47% of all intercountry adoptions finalised in 2005-2006 to 19% in 2012-2013. The number of adoptions has continued an 8 year pattern of decline. In 2011-2012 for the first time since 1998-1999 more Australian children (184) were adopted than children from overseas (149, excluding expatriate adoptions) (55% and 45% respectively).<sup>44</sup> This trend continued in 2012-2013 with only 38% of children being adopted from overseas whilst 67% were local adoptions.<sup>45</sup> Furness’ admonishment of Australians for the low intercountry adoption numbers is a red herring. It is not because of “red tape” and “bureaucracy”: easy slogans she has bantered around since 2007, but other far more complex factors. Firstly it is the corruption of the system by money; wealthy westerners going to impoverished developing countries and their demand and money creating black markets and trafficking. Secondly, economic and social changes that allow children to remain with their family or be adopted in their country of origin. This according to the AIHW has led countries of origin to implement strategies to manage the number of adoption applications they receive; for example, by introducing more stringent eligibility requirements, or quotas.<sup>46</sup>

Hence the wait that Furness and her supporters complain about is not under the control of the Australian government. What is of concern is adoptive parents’ sense of entitlement to other people’s babies and their insistence that their demand be met.<sup>47</sup>

<sup>41</sup> Roberts, P. (1972). *Department of Social Work*, The Women’s Hospital Crown Street, Sydney.

<sup>42</sup> AIHW 2013. *Adoptions Australia 2012-2013*. Child Welfare Series 57 Cat. No. CWS 47, Canberra: AIHW, pp. 10-11. <http://www.aihw.gov.au/publication-detail/?id=60129545516&tab=2>

<sup>43</sup> Smolin, D. (2012). *Of Orphans and Adoption, Parents and the Poor, Exploitation and Rescue; A Scriptural and Theological Critique of the Evangelical Christian Adoption and Orphan Care Movement*, Regent Journal of International Law; Smolin D. (2010). *Child Laundering and the Hague Convention on Intercountry Adoption: The Future and Past of Intercountry Adoption*, University of Louisville Law Review; Smolin, D. (2006). *Child Laundering: How the Intercountry Adoption System Legitimizes and Incentives the Practice of Buying, Trafficking, Kidnapping, and Stealing Children*, ExpressO; Wayne Law Review; Smolin, D. (2005). *Intercountry Adoption as Child Trafficking*, Valparaiso Law Review [http://works.bepress.com/david\\_smolin/doctype.html#article](http://works.bepress.com/david_smolin/doctype.html#article) ; *The Problem with saving the World’s Orphans The Boston Globe* Dec 11 [http://www.boston.com/bostonglobe/editorial\\_opinion/oped/articles/2008/12/11/the\\_problem\\_with\\_saving\\_the\\_worlds\\_orphans/](http://www.boston.com/bostonglobe/editorial_opinion/oped/articles/2008/12/11/the_problem_with_saving_the_worlds_orphans/) Fraud and Corruption in international adoptions <http://www.brandeis.edu/investigate/adoption/>

<sup>44</sup> AIFW 2012. *Adoption Australia 2011-2012*. Child Welfare Series 54 Cat. No. CWS 42 p. vi.

<sup>45</sup> AIHW 2013. *Adoptions Australia 2012-2013*. Child Welfare Series 57 Cat. No. CWS 47, Canberra: AIHW, p. 37 <http://www.aihw.gov.au/publication-detail/?id=60129545516&tab=2>

<sup>46</sup> Ibid p. 37

<sup>47</sup> The following is a response that was posted on a newspaper website promoting the Furness campaign: “Couples who go through IVF often have repeated attempts costing thousands of dollars. So

Unfortunately this can only happen at the expense of poorer, overseas families, or disadvantaged mothers or families locally. Hence, Prime Minister Abbotts' promise, to open up new countries from which to source babies may very well implicate Australia in the creation of child trafficking and a black market in babies.<sup>48</sup> It seems that a trade in local babies has already commenced. To conclude there are NOT enough babies to meet the demands of adopters. Yet the media continues to perpetuate the myth that there are millions of orphans that need saving, and thousands of children in need of protection locally.

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by the time they give up on IVF and seek adoption avenues, they have already spent a small fortune. So what I would like to ask is why the NSW Government charges \$10,000? What do they spend this money on? I am very sure the paperwork would not amount to \$10,000. Why isn't this amount refundable should you be unsuccessful? They are offering a service and not delivering, so why should you still have to pay? Why does the adoption process take years? Do the people in authority realise the agonising process of not being able to conceive a child and then having to wait years for a much wanted child"? <http://www.news.com.au/dailytelegraph/comments/0,22058,22189580-5001021,00.html> Posted by: Daisy Williams of 4:42pm August 05, 2007

<sup>48</sup> ABC, (2013, Dec 14), 'Federal Govt to speed up and simplify adoptions', <http://www.abc.net.au/news/2013-12-14/federal-govt-to-speed-up-and-simplify-adoptions/5156826?section=act>

# A STOLEN GENERATION IN THE MAKING

## Part 10

### Alternative to Adoption: Kinship Care

It would be very useful if research from other disciplines was utilised to inform child welfare practice. The outcome would be better informed public policy. Focusing on meeting the needs of middle class, infertile couples, irrespective of the impacts on the actual mother, father and child is the way Forced Adoption has been and is being conducted. Prioritising the satiation of one group's needs over others leads to dehumanisation, human and civil rights abuses and the exploitation, of those in a less powerful position. It also leads to a narrow perspective and bias in research which in turn leads to poor policy and social outcomes. For instance, because of the normalisation of forced removals and adoption by strangers few realise that traditional adoption was very different. The Aboriginal and Torres Strait Islander Child Placement Principle in adoptions is accepted because it is understood that the permanent extinguishment of parental rights and transfer of the child to an alien family is considered to have no place in Aboriginal culture.<sup>1</sup> Few realise that closed secret adoption was also alien in western culture until last century. In fact traditional adoption as opposed to modern was usually done within the family, so it in effect was kinship.<sup>2</sup>

The second noteworthy feature of human adoption is its kin-preferential tendency. The link between this feature and evolutionary theory is the concept of kin selection: where feasible, natural selection promotes preferential treatment of relatives over nonrelatives, and parental solicitude is only a special case of this more general benevolence toward relatives.<sup>3</sup>

Misinformation in adoption abounds. The only way to explain the phenomenon is to understand we are dealing with a very emotive issue. It is highly contested space. On the one hand we have an infertile couple compelled to adopt to meet a very deep biological and psychosocial need and on the other, a vulnerable mother, father and infant.

Whilst doing my doctoral thesis I noted that a lot of research was conducted by adoptive parents, adoption agencies, right wing Christian think tanks aligned with anti-abortion groups, all with an agenda: promote adoption as a normal way to form a family. Hence any research that promotes adoption, irrespective of whether it is rigorous or sound, is grabbed hold of and given far more credence than it deserves. Whilst copious amounts of research, evidence and testimony that adoption is dangerous is disregarded. For instance, Professors Daly and Wilson have done an enormous amount of research, over 30 years, on parental investment and the biological impulse to favour one's kin as opposed to strangers. This understanding has important ramifications for out-of-home care and in particular adoption. Since it is

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<sup>1</sup> The first preference under the principle is to place the child with their extended family or kinship group, the second preference with their local community and the third preference with another Aboriginal and Torres Strait Islander family in the area. Once all of these options have been fully explored, the fourth preference is a non-family and non-Aboriginal or Torres Strait Islander placement. Implementation of the Principle also requires that relevant Aboriginal or Torres Strait Islander organisations be consulted about the child's placement and that children are assisted to keep in contact with their family, language and culture.

<sup>2</sup> Daly, M. & Wilson, M. (1980). 'Discriminative Parental Solicitude: A Biological Perspective', *Journal of Marriage and the Family*, May, 42(2), pp. 277-288 at p. 282

<sup>3</sup> *Ibid* at p. 283

infertile couples who are demanding that they be provided with other people's babies. Their work can be summed up in a quote from one of their studies:

Stepparenthood has turned out to be the most powerful epidemiological risk factor for child abuse and child homicide yet known. Moreover, non-violent discrimination against stepchildren is substantial and ubiquitous.<sup>4</sup>

The above study certainly does not find that all stepparents abuse, but what Daly & Wilson do say is the risk to unrelated children is so much greater than that posed by biologically related parents, especially one's mother. It is research that is well supported.<sup>5</sup>

Yet I noted that one study, conducted by Hamilton, Cheng and Powell (2007)<sup>6</sup> is being used by vested interests to debunk their work.<sup>7</sup> It conveniently supports the political agenda of promoting adoption over other family forms. I looked at the study and found that it was based on the self evaluations of adoptive parents about the parental investment they made in their First Grade adopted children. The study concluded that adoptive families invested more time and money than other alternative family forms and were on par and exceeded, on some of the variables tested, investments made by biological parents. For instance adoptees had access to more books and were more likely to own a computer.<sup>8</sup> The study was framed through the adopters' perspective not the child's. The study did not focus on levels of abuse, long term outcomes or incorporate the now copious research on the mental and physical problems faced by adoptees. Another study, similar to Hamilton's was undertaken by Kyle Gibson (2009). However Gibson had a strong caveat.

The results show that parents invested more in adopted children than in genetically related ones, especially in educational and personal areas. At the same time, adoptees experienced more negative outcomes. They were more likely to have been arrested, to have been on public assistance and to require treatment for drug, alcohol or mental health issues. They also completed fewer years of schooling and were more likely to divorce. In adoptive families, it appears that "the squeaky wheel gets the grease." Parents invest more in adoptees not because they favour them, but because they are more likely than genetic children to need the help.<sup>9</sup>

This supported a briefly mentioned point in Hamilton et al's earlier findings:

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<sup>4</sup> Daly, M. & Wilson, M. (2002). 'The Cinderella Effect: Parental Discrimination Against Stepchildren', *Samfundsoekonomi* NR. 4. at p. 39.

<sup>5</sup> Stiffman, M. Schnitzer, P. Adam, P. Kruse, R. & Ewigman, B. (2002). *Pediatrics*, 109(4), pp. 615-621, at p. 615.

<sup>6</sup> Hamilton, L., Cheng, S. & Powell, B. (2007). 'Adoptive Parents, Adaptive Parents: Evaluating the Importance of Biological Ties for Parental Investment', *American Sociological Review*, 72(1), pp. 95-116, <http://www.law.harvard.edu/programs/about/cap/assignments/art-07/packet5supplement.pdf>

<sup>7</sup> IACC Centre (Infertility and Adoption Counselling Centre), 'Adoptive Parents Invest More than Biological Parents in Kids' [http://www.iacccenter.com/adoptive\\_investment.pdf](http://www.iacccenter.com/adoptive_investment.pdf) - See <http://www.iacccenter.com/>; Adoptive parents May Make Better Parents Than Biological Parents <http://voices.yahoo.com/adoptive-parents-may-better-parents-than-biological-206842.html>; Adoptive Families Association of BC <http://www.bcadoption.com/resources/articles/adoptive-parents-invest-more-their-children>

<sup>8</sup> Hamilton, L., Cheng, S. & Powell, B. (2007). 'Adoptive Parents, Adaptive Parents: Evaluating the Importance of Biological Ties for Parental Investment', *American Sociological Review*, 72(1), pp. 95-116

<sup>9</sup> Gibson, K. (2007). 'Differential parental investment in families with both adopted and genetic children', *Evolution and Human Behaviour*, 30, pp. 184-189, at p. 184

Adoptive children have significantly lower reading, math, and general knowledge scores than children from all, but a few alternative family configurations. When we account for sociodemographic characteristics ... adoptive children show significantly lower test scores than most children. These findings suggest that without these parental resources, adoptive children would perform worse in school.<sup>10</sup>

Research criticising Hamilton et al's methodology, a large longitudinal study that incorporates the children's (teenagers) perspective, is not mentioned.

By focusing on differences between families of different structures (intact, adoptive, step families), many existing studies are limited ... because they offer purely descriptive accounts and neglect multiple confounding factors.

Maybe because its findings are less convenient:

In all respects stepchildren do provide lower assessments of the relationships to their parents than biological children do.<sup>11</sup>

The conclusion of their analysis was that biological parenthood matters and that when within-family relationships are taken into account adults privilege their own biological children over a strangers'. In contrast to Hamilton et al's findings, vis-à-vis degree of parental investment and support, they state:

No single investment indicator would reflect this overall degree, given that parents make up lower investment in one area with higher investment in other areas. We therefore regard the combined subjective assessment of parental care and closeness of the parent-child relationship from the perspective of the child as a good approximation of the overall degree of parental attention and investment the child has received. Whenever possible, information from the parental questionnaire was used to replace missing values in the answers of adolescents.<sup>12</sup>

Their research supports the findings of Daly & Wilson.

Understanding children are safer with kin and preferring kinship placement over adoption by strangers means a total upheaval of our out-of-home care system. Australia's care system is founded on the belief that children need to be removed from their dangerous families. It is the default response.

However numerous research studies reject the above belief and rather support the fact that children are safer brought up by kin;<sup>13</sup> far safer than with adoptive, foster and stepparents.<sup>14</sup> For instance children are a 100 times more likely to be fatally injured by non-related care takers than they are by their biological parents.<sup>15</sup> Specifically;

<sup>10</sup> Hamilton, L. (2007). 'Adoptive Parents, Adaptive Parents: Evaluating the Importance of Biological Ties for Parental Investment', *American Sociological Review*, 72(1), pp. 95-116, at p. 111.

<sup>11</sup> Schnettler, S. & Steinbach, A. (2011). 'How do biological and social kinship play out within families in the US? An evolutionary perspective on perceived parental care and closeness in adolescents', *Journal of Family Research*, 2, <http://www.tu-chemnitz.de/hsw/soziologie/institut/file-show-RG93bmxvYWRfUGFwZXJfU2NobmV0dGxlc19TdGVpbmJhY2hfMjAxMV9aZkYucGRm-ABUHDysaAgsHAwwZWx4FERMFQAQgTAEtUVIZCVF5TRjZXUI1FUFY4ABYMCAIcBw4TFRUfEB0PBAYQDI RDVIMRBwxMFg4P.pdf>

<sup>12</sup> *ibid*

<sup>13</sup> Camilla Cavendish, (2009, May 8). 'Children are safer with their natural families; They call it the Cinderella Effect – but still we turn a blind eye to the danger posed to children by step-parents', *The Times*, p. 29.

<sup>14</sup> Stiffman, M. Schnitzer, P. Adam, P. Kruse, R. & Ewigman, B. (2002). *Paediatrics*, 109(4), pp. 615-621, at p. 615

<sup>15</sup> Daly, M. & Wilson, M. 'The "Cinderella effect": Elevated mistreatment of stepchildren in comparison to those living with genetic parents', Department of Psychology, Neuroscience &

unrelated males.<sup>16</sup> A 1989 study by the University of Iowa found non-biological fathers four times more likely than natural fathers to sexually abuse children in their care.<sup>17</sup>

Regrettably, those with a vested interest have used flawed research to justify the high policing of single mother headed families.<sup>18</sup> The reality is that children of single-parent families, sans a non-related male, were found to be at the least risk of intentional or unintentional abuse or fatal injury, while children who lived with neither biological parents were at greatest risk overall for injury of any type.<sup>19</sup> The figures for unintentional fatalities ranged between 2 and 15 times greater for stepchildren than for those from intact biological families. Children who lived with neither of their biological parents were even more substantially overrepresented in all fatality categories.<sup>20</sup> Yet single mothers are the most vulnerable group with respect to having their children forcibly removed. This has devastating and life long consequences on them, as once their taken, their mental and physical health are known to "deteriorate rapidly".<sup>21</sup>

Since evidence indicates that it is not the mother, but the non-biologically related male, who is most likely to cause harm, researchers recommend that affordable child care be provided to support single mothers. They argue that this will lead to a decrease in the risk of child abuse, by men who have: "limited child care experience and emotional commitment". The authors concluded that by supporting single mothers and preparing male-biological fathers as well as other male caregivers by making available subsidized child care; visits by nurses to high-risk homes, and instructional programs, there would be a considerable reduction in the risk of inflicted injury.<sup>22</sup>

Unrelated females are more likely to abuse their step/foster/adopted children. Stepmothers were more likely than biological mothers to have exhibited violence towards and beat an unrelated child, previously injure that child, and come to the attention of authorities for child abuse. Stepmothers were not only more likely to abuse offspring, but the threat increased if there was a mix of related and non-related offspring and that their presence increased the severity of abuse and neglect.<sup>23</sup>

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Behaviour, McMaster University, Canada, at p. 2 <http://www.cep.ucsb.edu/buller/cinderella%20effect%20facts.pdf>; University of Chicago Medicine Press Release. (2005).

<http://www.uchospitals.edu/news/2005/20051107-abuse.html>

; Daly, M. & Wilson, M. (2002). 'The Cinderella Effect: Parental Discrimination Against Stepchildren', *Samfundskonomien* NR. 4.

<sup>16</sup> Stiffman, M. Schmitzer, P. Adam, P. Kruse, R. & Ewigman, B. (2002). *Paediatrics*, 109(4), pp. 615-621, at p. 615.

<sup>17</sup> Camilla Cavendish, (2009, May 8). 'Children are safer with their natural families; They call it the Cinderella Effect – but still we turn a blind eye to the danger posed to children by step-parents', *The Times*, p. 29

<sup>18</sup> Trudy Rosenwald in collaboration with Rital Carroll, 'From the trenches of the war on adoption in Australia', Submission 56 of the Australian Council of Adoption [http://www.aph.gov.au/parliamentary\\_business/committees/house\\_of\\_representatives\\_committees?url=fhs/.adoption/subs.htm](http://www.aph.gov.au/parliamentary_business/committees/house_of_representatives_committees?url=fhs/.adoption/subs.htm)

<sup>19</sup> Tooley, G., Karakis, M., Stokes, M. & Ozanne-Smith, J. (2006). 'Generalising the Cinderella Effect to intentional childhood fatalities', *Evolution and Human Behaviour* 27, pp. 224-230, at p. 228.

<sup>20</sup> *ibid*

<sup>21</sup> Heikki Hiilamo, Saarikaallio-Torp, M. (2011). 'Child custody placement outcomes for mothers', *Children and youth Services Review*, 33, pp. 1489-1496.

<sup>22</sup> University of Chicago Medicine Press Release, (2005). 'Unrelated adults in the home associated with child-abuse deaths', Nov 7. <http://www.uchospitals.edu/news/2005/20051107-abuse.html>

<sup>23</sup> Harris, G., Hilton, N. Z., Rice, M. & Eke, A. (2007). 'Children killed by genetic parents versus stepparents', *Evolution and Human Behavior*, 28, pp. 85-95.

Research found that stepparents, compared with genetic parents, represent a much greater risk of violence and death to children, independent of other risk factors such as parental age and poverty.<sup>24</sup>

Additionally many adoptive mothers are not only dealing with the grief over their infertility, but suffer from post adoption depression. In one study nearly 30% of the participants reported suffering from depression for four weeks after the adoption. This research supported Dr. Susan Gair's previous study where 32% of mothers experienced post adoption depression.<sup>25</sup> The reasons for the depression may be unresolved grief around the infertility. The new infant may be a constant reminder that she did not give birth. These are primal biological urges that many in modern society think we have risen above. Daly and Watson explain the biological sequence of events in the hours immediately after the birth and the impacts of their interference:

Six separate studies involving over 500 primiparous women in four countries, all of which have demonstrated effects of slight modifications of hospital routines shortly after birth upon mother-infant interaction. In each of these studies, a control group of mothers was treated routinely (allowed to see the child at birth, prevented from physical contact for 6-12 hours, and then given the child only for scheduled feedings), while an experimental group was allowed close physical contact within minutes after birth and approximately 25-50 percent more contact time during two to seven days of hospitalization. As early as the second postpartum day, experimental mothers handled their infants differently from the controls. Follow-up studies one month, three months, one year and two years later showed effects upon the behaviour of both mothers and children. Experimental mothers spoke to their infants more, handled them more affectionately, looked them in the eye more, and expressed stronger feelings of maternal attachment. The normal consequence of this maternal attachment process throughout the evolutionary history of our species has presumably been the rapid development of a bond of discriminative maternal solicitude. Assumption of a maternal role in the absence of early attachment experiences can be difficult. According to a Cleveland study for example, only 25 percent of stepmothers could claim "maternal feelings" for their stepchildren.<sup>26</sup>

It is the strength of maternal feelings and consequent engagement with the infant that are key to initiating protective behaviours and decrease the risk of child abuse and neglect. For instance results showed that children separated from their mothers during the neonatal period are a high risk group for abuse and neglect. 40% of a sample of severely abused children had been separated from their mothers during the first 48 hours after birth compared to just 6 % of their non-abused siblings.

The present perspective suggests that the risk of abuse and neglect is likely to be exacerbated where substitute individuals fill the roles of biological parents.<sup>27</sup>

<sup>24</sup> Daly, M. & Wilson, M. (1998). The evolutionary social psychology of family violence. In C. Crawford, & D. L. Krebs (Eds.) *Handbook of Evolutionary Psychology*, pp. 431-456. Mahwah (NJ). Lawrence Erlbaum Associates.

<sup>25</sup> Payne, J., Fields, E., Meuchel, J., Jaffe, C. & Jha, Manish. (2010). Post adoption depression, *Arch Womens Mental Health*, 13, pp. 147-151, p. 150

<sup>26</sup> Daly, M. & Wilson, M. (1980). 'Discriminative Parental Solicitude: A Biological Perspective', *Journal of Marriage and the Family*, May, 42(2), pp. 277-288 at p. 281.

<sup>27</sup> Daly, M. & Wilson, M. (1980). 'Discriminative Parental Solicitude: A Biological Perspective', *Journal of Marriage and the Family*, May, 42(2), pp. 277-288 at p. 282.

If the out-of-home care industry utilised the above data they would NOT have a policy of forcibly taking babies at the birth and giving them to strangers, unless of course they are being manipulated by others with an agenda, or indeed have one of their own.

In 2009 a UK study found that 25% of adoptive parents did not feel a close emotional bond with their adopted child after 1 year. In addition, many adoptive parents described experiencing anxiety and depression related to the adoption, with 20% of the sample reporting that they had received medication for treatment of their anxious/depressive symptoms. Interviews were conducted with the adoptive parents 6 to 11 years after the adoption had been completed. At the point of follow-up, the majority of parents (62%) reported they were experiencing continued difficulties and 10% of parents reported experiencing no rewards from the adoption. Only 28% of adoptive parents reported the adoption was rewarding.<sup>28</sup> This finding supports that of the Cleveland Study, noted above, suggesting only 25% of women who take on the care of a stranger infant have maternal feelings. This knowledge is pertinent since the inability to attach to a child is correlated with an increase in child abuse and neglect. An adoptive family is formed only after separation and loss. Adoptees disproportionately suffer from abandonment issues and attachment disorders.<sup>29</sup> Hence making it that much more difficult for adopters to attach to them. This is what Dr. Geoff Rickarby found when he treated dysfunctional adoptive families in the 1970s.<sup>30</sup> Therefore before Pru Goward, Tony Abbott and Louise Voigt take us back to the 1950s and Forced Adoption, extensive research needs to be conducted on abuse within adoptive and foster homes and the number of failed adoptions, and how they have impacted on generations of adoptees and their families. This research at present is hard to find. Researchers have noted that data on those who abuse children is limited in Australia.

When studies in Australia are undertaken to record child abuse statistics adoptive fathers and biological fathers are placed in the same category.<sup>31</sup>

We need detailed data to better inform policy makers about who children are really at risk from:

The Australian Institute of Health and Welfare (AIHW) releases an annual report detailing statutory child protection reports across

<sup>28</sup> Barth, R. & Hodorowicz, M. (2011). 'Foster and Adopted Children Who Die From Filicide: What Can We Learn and What Can We Do?' *Adoption Quarterly*, 14(2), pp. 84-106, p. 89; Pierce, J. (2010, Aug 11). 'Adoptive Mother, Boyfriend Not Charged with Murder in OKC Child's Death', Oklahoma's Own. <http://www.newson6.com/global/story.asp?s=12955540>

<sup>29</sup> Wellisch, E. (1952). 'Children Without Genealogy-A Problem of Adoption', *Mental Health*, 13, pp. 41-42; Sants, H. J. (1964). 'Genealogical Bewilderment in Children with Substitute Parents', *British Journal of Medical Psychology*, 37, pp. 133-141; Kirschner, D. (1990). 'The Adopted Child Syndrome: Considerations for Psychotherapy', *Psychotherapy in Private Practice*, 8(3), pp. 93-100; Sorosky, A., Baran, A. & Pannor, R. (1975). 'Identity Conflicts in Adoptees', *American Journal of Orthopsychiatry*, 45, Jan, pp. 18-27; Brodzinsky, D., Schechter, M. & Henig, R. M. (1992). *Being Adopted the Lifelong Search For Self*, New York: Double Day.

<sup>30</sup> Rickarby, G., Lee, M. & Eagan, P. (1981). 'Adoptive Families in Distress', *Australian Journal of Social Work*, 16(1); Rickarby, G. (1997). 'Adoption grief: irresolvable aspects', In *Separation Reunion Reconciliation: The Sixth Australian Conference on Adoption*. Brisbane: Janice Kashin; Rickarby, G. (1979). 'Family Psychiatry and the Selection of Adoptive Parents', *Australian Social Work*, 31(2), pp. 21-24; Schechter, M. D. (1970). 'About Adoptive Parents', in *Parenthood: Its Psychology and Psychopathology*, eds. E. Anthony and Therese Benedek, Boston: Little, Brown Company, pp. 353-371.,

<sup>31</sup> AIHW 2013. Child protection Australia 2011-12. Child welfare series no. 55. Cat. no. CWS 43. Canberra: AIHW

Australia, however the only information regarding those who abuse children is recorded as “family type” (AIHW, 2010). Family type identifies whether the child was from a single parent family, two parent “intact” family or two parent blended family, however it does not indicate who was responsible for the abuse or neglect in substantiated cases.<sup>32</sup>

Being informed by other disciplines should logically lead to greater use of kinship care; especially, if those working in the care industry really have the safety of children as a priority.

The promotion of adoption as being a safer option than foster care is duplicitous. Whilst in the foster care system there is supposed to be ongoing scrutiny of carers and supports and checks for children. After the child is adopted the government’s oversight of the child is terminated. Foster care has not proven safe why should adoption that has NO ongoing scrutiny or checks be presumed to be any safer? After all a substantial number of adopters like foster carers, are biologically unrelated.

The Aboriginal and Torres Strait Islander Child Placement Principle, should be better enforced and a similar pathway implemented for White Australians that cannot be reared by their own parents. If children cannot remain with parents after all attempts have failed then kin should be given first priority and supported with the same financial and other supports as are given to non-related foster carers and/or adopters.

## Conclusion

In a paper title ‘What Did We Learn from *Bringing Them Home*? The response is “very little”. No longer though, can individuals plead ignorant. The damage to individuals taken from their kin and placed with strangers, either fostered or adopted, is horrendous and lifelong. The damage to their parents has proven irreparable and is passed down to subsequent offspring.<sup>33</sup>

Child removal has effects far beyond the initial removal. If children are removed permanently it affects not only their lives, but their subsequent children, siblings and grandchildren. It negatively impacts on the community as a whole and the damage is felt in the resulting social problems that continue for decades. Hasn’t the Stolen Generations and Forgotten Australians taught Australian policy makers anything? The policy of Forced Adoption is still negatively impacting on the lives of its victims and so Australian society as a whole. Women forty years after the theft of their infant are committing suicide,<sup>34</sup> suffer from mental health problems<sup>35</sup> and COST the

<sup>32</sup> AIFS. (2011). ‘Who Abuses Children?’ *NCPC Resource Sheet*, Feb, <http://www.aifs.gov.au/nch/pubs/sheets/rs7/rs7.html>

<sup>33</sup> Higgins (2010). *Impact of past adoption practices: Summary of key issues from Australian research, Final Report*, A report to the Australian Government Department of Families, Housing, Community Services and Indigenous Affairs, Australian Institute of Family Studies, pp. 11-12

<sup>34</sup> Gair, S. (2008). ‘The psychic disequilibrium of adoption: Stories exploring links between adoption and suicidal thoughts and actions’, *Australian e-Journal for the Advancement of Mental Health*, 7(3), <http://eprints.jcu.edu.au/5880/> <http://www.virtualmedicalcentre.com/news/exploring-links-between-past-adoptions-and-suicide/13426> ; Cole, C. (2013). *Stolen Babies Broken Hearts: Forced Adoption in Australia 1881-1987*, Unpublished Doctorate, School of Social Sciences and Psychology, UWS; Wells, S. (1993a). ‘Post-traumatic stress disorder in birthmothers’, *Adoption and Fostering*, 17(2), pp. 30-32; Condon, J. (1986). ‘Psychological disability in women who relinquish a baby for adoption’, *The Medical Journal of Australia*, 144, Feb 3;

<sup>35</sup> Kenny, P., Higgins, D., Soloff, C. & Sweid, R. (2012). *Past adoption experiences: National Research Study on the Service Response to Past Adoption Practices (Research Report No. 21)*. Melbourne: Australian Institute of Family Studies, Retrieved Aug 28, 2012 from <http://www.aifs.gov.au/institute/pubs/resreport21/index.html> ; Greer, S. (1964). ‘The Relationship Between Parental Loss and Attempted Suicide: A Control Study’, *The British Journal of Psychiatry*,

taxpayer because they can no longer contribute to society. Nor can their children who carry the trauma.<sup>36</sup> The very problems created by past governmental policies, circuitously makes certain groups vulnerable to having their newborns/children forcibly taken today. The most common reason children enter care is neglect due to their parents' inability to cope as a result of various combinations of poverty, mental illness, intellectual disability and drug and alcohol dependency - only one third enter care as a result of abuse.<sup>37</sup> Isn't it time the government implemented policies to break the destructive cycle it created?

Simply, child protection in Australia is premised on child removal; a system that has failed over and over again. The assumption that child abuse and neglect can be solved by forced child removal needs to be seriously questioned. Instead of learning from past mistakes state governments and territories continue blindly along the same path telling the broader society - this time it is going to be different. This time it will put measures in place to better screen out paedophiles and child abusers.<sup>38</sup> This time children removed from their parents will be safe. This time removing children and placing them with strangers is going to give them stability and security. No-one can give such a guarantee. Adoptive parents can die, divorce, suffer a mental health problem or experience a financial loss. I know of adoptees whose elderly parents died and they had NO family whatsoever. Cut off from their original family, never accepted by the extended adoptive family and now without the adopters they find themselves alone and often suffering mental health problems because of the trauma of their adoption. Adoption is a 20<sup>th</sup> century tragedy, instead of being relegated to the dust heap of history the present Liberal Governments have resurrected it and look like inflicted it on yet another generation.

Professor Scott urges Australia to follow the European Care System that focuses on preserving families, rather than the US and UK "grab the child and run" model. But I doubt her suggestion will be taken up. There are powerful interests intent on using child protection as a guise to meet the needs of adult. Who will then claim they're not stealing children, adoption is being done "in the child's best interests". A term regularly used against the very persons it is supposed to protect.

The Victorian Inquiry concluded that:

Prevention and early intervention are essential to avoid the long-lasting permanent trauma and poor outcomes for many individuals who experience abuse or neglect. At a system level, the Inquiry also concluded that, over time, it is more effective for government to invest in prevention and early intervention than to continue to increase

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110, pp. 698-705; Greer, S. (1966). 'Parental Loss and Attempted Suicide: A Further Report', *British Journal of Psychiatry*, 112, pp. 465-470. Hassan, R. (1995). *Suicide Explained: The Australian Experience*, Melbourne: Melbourne University Press.

<sup>36</sup> Rowland-Klein, D & Dunlop, R. (1997). 'The transmission of trauma across generations: identification with parental trauma in children of Holocaust survivors', *Australian and New Zealand Journal of Psychiatry*, 31, pp. 358-369; Yehuda, R. & Bierer, L. M. (2009). The relevance of epigenetics to PTSD: Implications for the DSM-V, *Journal of Traumatic Studies*, 22(5), pp. 427-434; Kellermann, N. (2011). Epigenetic transmission of Holocaust Trauma: Can nightmares be inherited? AMCHA, Israel. Accessed Aug 26, 2011. [http://peterfelix.tripod.com/home//Epigenetic\\_TTT.pdf](http://peterfelix.tripod.com/home//Epigenetic_TTT.pdf)

<sup>37</sup> Cashmore, J. & Paxman, J. (2006). 'Predicting after-care outcomes: the importance of 'felt' security', *Child and Family Social Work*, 11, pp. 232-241.

<sup>38</sup> 'Two Dads are Better than One' <http://winteryknight.wordpress.com/2013/07/01/why-two-dads-are-better-than-one-pro-gay-adoption-abc-profile-of-convicted-pedophile-mark-newton/>; McCain, R. (2013, July 2). A Duranty Prize Contender?, *The American Spectator*, <http://spectator.org/blog/54215/duranty-prize-contender>

investment in child protection and family services or to absorb the lifetime costs to society of child abuse and neglect.<sup>39</sup>

It recommended that specialist adult services and health services should be supported to develop family-sensitive practices that address the needs of the whole family. It also referred to the European model and noted its greater emphasis on the view that children are best cared for within their family and have a focus on family unity and working with vulnerable families in caring for children.<sup>40</sup> Victoria may have heeded its Inquiry's (2012, Jan) recommendations. In 2013, it had 5 in 1000 children in care whilst NSW has 10.5.<sup>41</sup> Adoptions in Victoria dropped overall from 72 in the 2011-2012 to 44 in 2012-2013. Overseas adoptions dropped from 36 to 23 and local adoptions decreased from 28 to 17.<sup>42</sup> It seems the State is incorporating family friendly policies and looking after its vulnerable families, the same cannot be said of the NSW government. In NSW because of the Government's emphasis on adoption the number has increased. The AIHW states the increase in 'known child' adoptions was largely driven by increases in NSW from 91 to 108 of which 78 were carer adoptions. The highest proportion of 'known adoptions' nationally was by carers such as foster parents (52%). The majority of these occurred in NSW (78 of the 81 carer adoptions nationally): "this is indicative of policies in NSW which are increasingly promoting adoption".<sup>43</sup>

A child should not stand in isolation from his or her kin and community. When a family is strengthened so is the child and the community: As well: 'Strong communities with good support build strong families'<sup>44</sup>

Despite the stresses within individual families that struggle with conditions of poverty and social adversity, many children in low-income families succeed in life. By focusing solely on problem behaviours, research studies and governmental reports routinely overlook the successful coping strategies that families use to manage multiple stressors in daily life. And the lack of attention to the positive attributes of family life has created a significant gap in our knowledge base: a lack of an understanding of basic trends and indicators of change in the behaviours and relationships associated with successful parenting, family cohesion, and family support, especially during difficult times.<sup>45</sup>

<sup>39</sup> Report of the Protecting Victoria's Vulnerable Children Inquiry, *Part 8: Implementation and Conclusion*, Vol 2, Chapter 23, p. 564.

[http://www.childprotectioninquiry.vic.gov.au/images/stories/inquiry/volume2/cpi%207650%20web-pdf%20volume%202%20protecting%20victorias%20vulnerable%20children%20inquiry\\_ch\\_23\\_bm.pdf](http://www.childprotectioninquiry.vic.gov.au/images/stories/inquiry/volume2/cpi%207650%20web-pdf%20volume%202%20protecting%20victorias%20vulnerable%20children%20inquiry_ch_23_bm.pdf)

<sup>40</sup> Chapter 3, part 2, P. 54

[http://www.childprotectioninquiry.vic.gov.au/images/stories/inquiry/volume2/cpi%207650%20web-pdf%20volume%202%20protecting%20victorias%20vulnerable%20children%20inquiry\\_ch\\_3\\_bm.pdf](http://www.childprotectioninquiry.vic.gov.au/images/stories/inquiry/volume2/cpi%207650%20web-pdf%20volume%202%20protecting%20victorias%20vulnerable%20children%20inquiry_ch_3_bm.pdf)

<sup>41</sup> AIHW 2013. Child protection Australia 2011-12. Child welfare series no. 55. Cat. no. CWS 43. Canberra: AIHW, p. 42.

<sup>42</sup> Australian Institute of Health and Welfare 2013. Adoptions Australia 2012-13. Child welfare series no. 57. Cat. no. CWS 47. Canberra: AIHW.

<sup>43</sup> *Ibid*, p. 28.

<sup>44</sup> Krysan, M., K.A. Moore, and N. Zill. 1990. "Identifying successful families: An overview of constructs and selected measures." Draft paper. Washington, DC: Child Trends. At pp. 9-12. <http://aspe.hhs.gov/daltcp/reports/idsucfam.pdf>

<sup>45</sup> Moore, K., Chalk, R., Scarpa, J. & Vandivere, S. (2002). *Kids Count: Working Paper, Preliminary Research on Family Strengths*, Baltimore, Maryland: Child Trends Inc, p. 2 <http://www.aecf.org/upload/publicationfiles/preliminary%20research%20family%20strengths.pdf>

This article has attempted to highlight the absolute failure of the out-of-home care industry and the devastating effects it is having on families. It is not providing safety for children or babies. It is my opinion that they are being exploited and left hostage to an industry built on business principles open to corruption with a hidden agenda to provide “babies for the deserving”. Who may, or may not have the best interests of the child they adopt at heart.<sup>46</sup>

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<sup>46</sup> ‘Two Dads are Better than One’ <http://winteryknight.wordpress.com/2013/07/01/why-two-dads-are-better-than-one-pro-gay-adoption-abc-profile-of-convicted-pedophile-mark-newton/> ; McCain, R. (2013, July 2). A Duranty Prize Contender?, *The American Spectator*, <http://spectator.org/blog/54215/duranty-prize-contender>

# A STOLEN GENERATION IN THE MAKING

## Part 2

Dr. Christine A. Cole ©

### Babies for the Deserving and Presumed Pecuniary Savings

It is quite apparent that a propaganda campaign to promote the forcible removal of children for the purpose of adoption is in full flight in NSW. There are two reasons for this – 1. The government is committed to bringing back forced removals to save the state money and 2. Because the powerful pro-adoption lobby headed by Deborra-Lee Furness is demanding it. Both Furness and the Australian government believe there is a need to de-stigmatise adoption because an anti-adoption culture exists in Australia and is a barrier to making more babies available for adoption.<sup>1</sup> The pretext for the pro adoption campaign is child safety domestically and saving orphans internationally. Hence the current media campaign to normalise Forced Adoption is a continuation of a strategy previously used that effectively convinced the Australian public that child removal was in the child's "best interests". In the 1960s adoption was sold as an institution that saved "unwanted babies".<sup>2</sup> When intercountry adoption took off it was promoted as "saving orphans",<sup>3</sup> the latest is "saving abused children".<sup>4</sup> Who can argue against such altruistic objectives? In fact that is the whole point, anyone questioning adoption now is accused of protecting child abusers and if they suggest implementing strategies to keep fragile families intact, of child abuse.<sup>5</sup>

<sup>1</sup> Connolly, E *Furness attacks adoption culture* The Daily Telegraph Aug 5<sup>th</sup>, 2007; Horton, S. Furness's date with Attorney-General *The Sun Herald*, the Diary S2 Feb 24, 2008; Connolly, E, A present for all the children *The Sunday Telegraph* Dec 23, 2007, p. 3; Connolly, E 'Big Day for adoption campaign' *The Sunday Telegraph* April, 27, 2008, p. 36; Connolly, E. Jolie's doctor crusades *Courier Mail* April 6, 2008 <http://www.news.com.au/couriermail/story/0,23739,23492936-5012980,00.html>;

Connolly E, Actress's mission to overhaul the rules : 'Adoption fight goes to Rudd', *The Sunday Telegraph*, Nov 11, 2007, p. 30; O'Neill, M. 'Actress helps win adoption issue', *The Sunday Telegraph* Mar 30, 2008 p. 34

ABC Radio National *Life Matters* Richard Aedy 9.a.m., July 30, 2008:

<http://www.abc.net.au/rn/lifematters/stories/2008/2317716.htm> ; *The 7.30 Report* ABC Reporter: Kirstin Murray March 13, 2008 <http://www.abc.net.au/7.30/content/2007/s2188906.htm>; Connolly, E. 'Our adoption laws an embarrassment', *The Sunday Telegraph* Aug 5, 2008, p. 9, "The Federal Opposition said it would be proposing reforms to streamline and harmonise the process, to cut waiting lists."; Meet the Press. (2013, Nov 10). 'National Adoption Awareness Week', *Channel 10*, Features Pru Goward promoting Forced Adoption, <http://www.youtube.com/watch?v=88aSEnID-Fg> ;

<sup>2</sup> Gilbert, C. (1968). 'These children need parents (But adoption's a slow business)' in Background *The Sydney Morning Herald* Feb 18, 1968: "500 unwanted babies all need homes"

<sup>3</sup> Deborra-lee Furness. (2013, Sept 13). Deborra-lee Furness: Fight the global orphan crisis', CNN Global NewsView <http://edition.cnn.com/2013/09/16/opinion/international-adoption-deborra-lee-furness/>

<sup>4</sup> Media Release. (2013, Nov 21). Landmark Child Protection Reforms to Improve the Lives of Vulnerable Children".

<http://prugoward.com.au/Media/MediaReleases/tabid/93/articleType/ArticleView/articleId/172/LAND-MARK-CHILD-PROTECTION-REFORMS-TO-IMPROVE-THE-LIVES-OF-VULNERABLE-CHILDREN.aspx>

<sup>5</sup> Sammut, J. (2013). 'The politics of apologies: Easy moralism for past sins, but ignorance about the present', (Mar 26). <http://www.cis.org.au/media-information/opinion-pieces/article/4751-the-politics-of-apologies-easy-moralism-for-past-sins-but-ignorance-about-the-present>

Jeremy Sammut succinctly states the neo-liberal/anti-welfare perspective of the right wing think tank for which he writes and which is aligned with Prime Minister Abbott's ideology<sup>6</sup>:

The politically incorrect reality is the introduction of the single mother's pension by the [Federal] Whitlam Government in 1973 has led to the very social problems that forced adoption [implemented at a State level] was intended to prevent: the rise of a dependent class of single mothers reliant on public assistance and unable to properly care for children outside of a traditional, financially self-supporting family.<sup>7</sup>

Coincidentally adoptive parents blamed the "adoption crisis" or rather, the lack of babies for them to adopt, on Prime Minister Whitlam's introduction of the Supporting Parents Benefit.<sup>8</sup>

Sammut's statement underlines the fact that Forced Adoption was/is a policy of the Commonwealth Government imposed at a State level as a mechanism of social control. In operation the past and present policy of Forced Adoption transfers children from a group designated "unfit" to one deemed superior "a traditional, financially self-supporting family" with the intention of saving the State the financial expense of keeping parents who are "not effective"<sup>9</sup> and their families intact.

Jeremy Sammut's promotion of Forced Adoption to save the state money is supported by Louise Voigt, CEO of Barnardos.<sup>10</sup> Voigt, whose agency financially benefits from NSW contracting out to it the administration of foster care and adoption, states: "My agency has been involved in adoption for many years now and we are absolutely delighted that at long last, we've got a minister committed to the same process".<sup>11</sup>

<sup>6</sup> Sammut, J. (2012). 'The Fraught Politics of Saying Sorry for Forced Adoption, Implications for Child Protection Policy in Australia', *Issue Analysis*, March 19, No. 138, Centre for Independent Studies <http://www.cis.org.au/images/stories/issue-analysis/ia138.pdf>; Kate Murphy, Marian Quartly, Denise Cuthbert, (2009). 'In the Best Interests of the Child' Mapping the (Re) Emergence of Pro-Adoption Politics in Contemporary Australia, *Australian Journal of Politics & History*, 55(2), pp. 201-218, June.

<sup>7</sup> Sammut, J. (2013). 'The politics of apologies: Easy moralism for past sins, but ignorance about the present', Centre for Independent Studies, Mar 26. <http://www.cis.org.au/media-information/opinion-pieces/article/4751-the-politics-of-apologies-easy-moralism-for-past-sins-but-ignorance-about-the-present>

<sup>8</sup> Adoptive Parents Ass. (1994, June). *Around Adoption*, The Magazine of the Adoptive Parents Association of NSW (Incorporated), p. 15. "It is nearly impossible to adopt a child ... Our Government gave us the single mothers' pension and so took away the babies that could have been available for adoption. Not all babies are better off with their birth mother - they're better with an adoptive family which really wants them".

<sup>9</sup> Peter Lloyd (2013, Dec 19) 'New taskforce to make adoption easier', *ABC PM*, <http://www.abc.net.au/pm/content/2013/s3914933.htm><http://www.abc.net.au/pm/content/2013/s3914933.htm>; Emma Griffiths. (2013, Dec 19). 'Tony Abbott announces new measures to simplify adoption within a year', *ABC News*, <http://www.abc.net.au/news/2013-12-19/tony-abbott-vows-measures-easier-adoption/5167098>; Abbott states: "There are too many children who have ... no effective parents and they deserve a better life, and adoption is a way of giving it to them" ... "Abbott has set up a task force to reform federal, state and territory government practices to make domestic adoptions easier". Here is an example of the Federal Government guiding the States and Territories on adoption legislation & policy supposedly outside Federal jurisdiction.

<sup>10</sup> Barnardos Australia Submission to Queensland Child Protection Inquiry September 2012, [http://www.childprotectioninquiry.qld.gov.au/data/assets/pdf\\_file/0006/162384/Barnardos\\_Australia\\_Voigt\\_Louise.pdf](http://www.childprotectioninquiry.qld.gov.au/data/assets/pdf_file/0006/162384/Barnardos_Australia_Voigt_Louise.pdf)

It seems that we have learnt nothing from the past.

## Forced Adoption Policy and Legislation In Practice

Medical staff and other mandated reporters can make a complaint to the NSW Department of Family & Community Services if he or she identifies a parent who they believe is unable to parent their child/children because of poverty; homelessness; youth; domestic violence; intellectual disability and mental health problems which includes drug dependence.<sup>12</sup> This is also the case in other states.<sup>13</sup> A pregnant woman, who someone regards *may be* at risk of causing emotional damage to her unborn infant *sometime in the future* will have a secret code placed on her medical files which informs medical staff that she is to be 'monitored' throughout her pregnancy. If she misses antenatal visits and/or appears depressed, or does not conform to medical staff's expectations of her as a potential mother, the Department is alerted and a social worker/child protection officer will appear at the birth and forcibly remove her newborn.<sup>14</sup> The mother is not informed that her infant is being targeted for removal. If the mother manages to leave the hospital with her newborn the monitoring is continued. Hence some young women, who become aware that they are at risk, avoid

<sup>11</sup> Peter Lloyd (2013, Dec 19). 'New taskforce to make adoption easier', *ABC PM*, <http://www.abc.net.au/pm/content/2013/s3914933.htm><http://www.abc.net.au/pm/content/2013/s391493> Emma Griffiths. (2013, Dec 19). 'Tony Abbott announces new measures to simplify adoption within a year', *ABC News*, <http://www.abc.net.au/news/2013-12-19/tony-abbott-vows-measures-easier-adoption/5167098> ; Australian Christian Lobby, (2013, Nov 12). *CEO of Barnardos Louise Voigt on the Political Spot about proposed changes to boost NSW adoptions*, <http://www.acl.org.au/2013/11/ceo-of-barnardos-louise-voigt-on-the-political-spot-about-proposed-changes-to-boost-nsw-adoptions/>

<sup>12</sup> Including depression, and if a person is distressed in any way and it is presumed their behaviour will impact on their parenting; Woods, J. (2008). Report of the Special Commission of Inquiry into Child Protection Services in NSW Vol 1, State of NSW, p. 177 <http://www.dpc.nsw.gov.au/publications/news/stories/?a=33796> ; See NSW Children and Young Persons (Care and Protection) Regulation 2000 cl. 10; NSW *Children and Young Persons (Care and Protection) Act* 1998 s. 122; s. 121; s27(2); s 23 For the purposes of this part a child is "at risk of significant harm" if current concerns exist for the safety, welfare or well-being of the child because of the presence of any one or more of the following circumstances: (a) the child's basic physical or psychological needs are not being met or are at risk of not being met; (d) the child or young person is living in a household where there have been incidents of domestic violence; (e) a parent or other caregiver has behaved in such a way towards the child that the child suffered or IS AT RISK OF SUFFERING serious psychological harm; (e) a parent or other caregiver has behaved in such a way towards the child that the child has suffered or is at risk of suffering serious psychological harm (f) the child was the subject of a pre-natal report under sec 25 and the birth mother of the child did not engage successfully with support services to eliminate, or minimise to the lowest level reasonably practical, the risk factors that gave rise to the report (2) Any such circumstances may relate to a single act or omission or to a series of acts or omissions. Sect 25: Pre-natal reports; Sect 26: The report can be made anonymously. [http://www.austlii.edu.au/au/legis/nsw/consol\\_act/caypapa1998442/s38.html](http://www.austlii.edu.au/au/legis/nsw/consol_act/caypapa1998442/s38.html)

<sup>13</sup> Vulnerable babies, children and young people at risk of harm: Best practice framework for acute health services, Melb: Victorian Government Dept of Human Services, pp. 50-51 [http://docs.health.vic.gov.au/docs/doc/A9B88A7B541AE7FCCA2579820012364D/\\$FILE/vulnerable\\_children.pdf](http://docs.health.vic.gov.au/docs/doc/A9B88A7B541AE7FCCA2579820012364D/$FILE/vulnerable_children.pdf) ; Carmody, T. (2013). *Queensland Child Protection Commission of Inquiry: Taking Responsibility: A Roadmap for Queensland Child Protection*, Queensland: Queensland Child Protection Commission of Inquiry, pp. 37-38 [http://www.childprotectioninquiry.qld.gov.au/\\_data/assets/pdf\\_file/0009/175248/QCPCI\\_Discussion\\_paper.pdf](http://www.childprotectioninquiry.qld.gov.au/_data/assets/pdf_file/0009/175248/QCPCI_Discussion_paper.pdf)

<sup>14</sup> Ainsworth, F. & Hansen, P. (2009). Babies for the Deserving: Developments in Foster Care and Adoption in one Australia State – Others to Follow?, *Just Policy*, No. 50 April 20. [http://www.aph.gov.au/Parliamentary\\_Business/Committees/Senate/Community\\_Affairs/Completed\\_inquiries/2010-13/commcontribformerforcedadoption/submissions](http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Community_Affairs/Completed_inquiries/2010-13/commcontribformerforcedadoption/submissions)

seeking help for prenatal, postnatal, and parent-child problems if they are drug dependent – that includes tobacco and alcohol (or any other of the nominated risks) for fear they will lose their child.<sup>15</sup> Even if a mother does not present earlier enough for her antenatal checks her unborn baby can be deemed ‘at risk’ and later removed.<sup>16</sup> This then becomes a deterrent for mothers to present at all. This surveillance of women’s bodies and interference in their family life is transformed in policy speak by the NSW Liberal government as giving: “The state’s most vulnerable children the best chance of a better future, by increasing early intervention services, streamlining adoption and providing more support to new mothers”.<sup>17</sup> This however violates the state’s obligation “to ensure that *only* children who need to be removed from parental care, or who can otherwise benefit from placement, are in out-of-home care”.<sup>18</sup> The NSW government makes some sweeping and prejudicial assumptions. It presumes parents, who smoke cannabis recreationally;<sup>19</sup> tobacco smokers; the homeless; victims of domestic violence and the poor, are all child abusers. It is intolerant and prejudicial to condemn someone and remove their infant on a presumption which in reality is a cover for punishing behaviour the State deems deviant.

Mandatory reporting by police of domestic violence means that many mothers no longer report violence as to do so places them at risk of having their children removed and hence they are doubly abused.<sup>20</sup> Consequently some have networked amongst other victims and set up their own safe houses in order to keep their children.<sup>21</sup> In the US research indicated that battered women stayed in abusive relationships for fear if they reported they would have their children taken. Richard Wexler, a children rights campaigner, stated that authorities in their zeal to protect children further victimise them. “Whatever trauma the child already has endured by witnessing domestic violence it is compounded by his or her removal from the mother”.<sup>22</sup> Advocates for

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<sup>15</sup> Dept. of Health, Victoria. (2013). ‘Children at risk’, <http://health.vic.gov.au/childrenatrisk/parents.htm> ; New South Wales Department of Health. (2006). *National Clinical Guidelines for Management of Drug Use During Pregnancy, birth and the early development years of the newborn, endorsed by the Ministerial Council on Drug Strategy*: NSW and SA Dept of Health’s Intergovernmental Committee on Drugs, pp. 10, 17. ; Victorian Gov. (2006). *Vulnerable babies, children and young people at risk of harm: Best practice framework for acute health services*, Melb: Victorian Government Dept of Human Services, p. 15 [http://docs.health.vic.gov.au/docs/doc/A9B88A7B541AE7FCCA2579820012364D/\\$FILE/vulnerable\\_children.pdf](http://docs.health.vic.gov.au/docs/doc/A9B88A7B541AE7FCCA2579820012364D/$FILE/vulnerable_children.pdf)

<sup>16</sup> Hagar Cohen, ‘Babies At Risk’, *ABC RN, Background Briefing*,

<http://www.abc.net.au/radionational/programs/backgroundbriefing/babies-at-risk/3117268#transcript>

<sup>17</sup> NSW Premier Barry O’Farrell Media Release. *Landmark Child Protection Reforms to Improve the Lives of Vulnerable Children*, Thursday 21 November 2013, <http://www.nsw.gov.au/news/landmark-child-protection-reforms-improve-lives-vulnerable-children>

<sup>18</sup> Tilbury, D. (2009). ‘A ‘Stock and Flow’ analysis of Australian Child Protection Data, *Communities, Children and Families Australia*, 4(2), pp. 9-17, at p. 10

<sup>19</sup> Arlington, K. (2008). DOCS took kids by force. *Daily Telegraph*. Dec 26.

<sup>20</sup> Kirsty Needham, (2013, Nov 14). ‘History must not repeat in adoption laws’,

<http://www.smh.com.au/comment/history-must-not-repeat-in-adoption-laws-20131123-2y2fx.html>

Karen Wills, who sits on the NSW Domestic and Family Violence Council stated that women are terrified that if they report they will have their children taken. She states that councillors will now have to advise women who ring for support that is now a real risk.

<sup>21</sup> Hagar Cohen, ‘Babies At Risk’, *ABC RN, Background Briefing*,

<http://www.abc.net.au/radionational/programs/backgroundbriefing/babies-at-risk/3117268#transcript>

<sup>22</sup> Wexler, R. (2002). ‘Take the Child and Run: Tales From the Age of ASFA’, *New England Law Review*, 36 (1), p. 132, <http://www.nesl.edu/userfiles/file/lawreview/vol36/1/06%20Richard%20Wexler.doc>

women's rights stated that the state in its prosecutorial zeal: "is punishing victims rather than batterers, and traumatising kids rather than rescuing them".<sup>23</sup>

Homeless or women with substandard accommodation will have their baby removed at birth. One such mother, after having her toddler taken, turned her life around, found accommodation, but when she gave birth to a second child it was immediately removed on the grounds that her first had been taken. Removal of the first child is prima facie evidence empowering protection workers to remove a second irrespective of the change in a woman's circumstances - as was done in the above instance. This woman had garnered a number of support service advocates, but child protection workers intent on taking her baby refused to engage with them.<sup>24</sup> The onus was on the woman to prove herself 'fit' in order to reclaim her children, not on the protection workers to prove their case.<sup>25</sup> Such are the unintended and dangerous consequences of very poor social policy not fully thought through.<sup>26</sup>

NSW Premier Barry O'Farrell reframes this litany of human rights abuses as: "Our changes will put vulnerable children first, while also giving troubled mothers the help they need to turn their lives around".<sup>27</sup> The Premier was alerted to the life time of suffering and mental health problems caused to women who had their babies forcibly removed when he issued his apology, on behalf of the NSW government and its people, for Forced Adoption in 2012. Regrettably he is now inflicting this same pain on another generation of mother and babies. The Premier has learnt nothing from the mistakes of his predecessors. They may have been able to plead ignorance, Mr. O'Farrell cannot.

A more nuanced public policy response may be one that invests in more housing for those on low incomes and/or improved rent assistance. Another more pro family measure may be to put back funding into refuges for battered women, since it is they who are expected to find new accommodation, not their abusers. In 2011-2012 in Queensland 15% of families seeking homelessness services did so because of domestic violence and 19% because of financial difficulties<sup>28</sup> it would be shocking if these families had their children removed for seeking assistance. Unfortunately, this

<sup>23</sup> Houppert, K. (1999). *Victimizing the Victims*, Village Voice, June 15, at p. 41.

<sup>24</sup> *ibid*

<sup>25</sup> The Rules of Evidence do not apply in these matters: See *Children and Young Persons (Care and Protection) Act 1998* (NSW) s 93 (3) & (4) - Therefore the woman is presumed guilty based on the allegations of the child protection workers. By the time the case goes to court the infant has already been placed with its foster parents so there is little chance it will be given back as it is presumed in "the child best interests" to remain because its attached to them. When Bronwyn Bishop was asked if a person with a drug dependency turned her life around could she get her baby back after it was forcibly taken Bishop replied: "No, not after adoption" See Bunce, J. (2007). 'Adopt out' the children of drug addicts, *The Australian*, August 27, <http://www.lyinx.com.au/page.aspx?docid=28>

<sup>26</sup> Another unintended consequence in the US System was that increased reporting led to increases in the abuse within the foster care system 'Making Matters Worse'[http://www.ipt-forensics.com/journal/volume10/j10\\_10\\_6.htm](http://www.ipt-forensics.com/journal/volume10/j10_10_6.htm)

<sup>27</sup> NSW Premier Barry O'Farrell Media Release. *Landmark Child Protection Reforms to Improve the Lives of Vulnerable Children*, Thursday 21 November 2013, <http://www.nsw.gov.au/news/landmark-child-protection-reforms-improve-lives-vulnerable-children>

<sup>28</sup> Carmody, T. (2013). *Queensland Child Protection Commission of Inquiry: Taking Responsibility: A Roadmap for Queensland Child Protection*, Queensland: Queensland Child Protection Commission of Inquiry, p. 46

[http://www.childprotectioninquiry.qld.gov.au/\\_data/assets/pdf\\_file/0009/175248/QCPCI\\_Discussion\\_paper.pdf](http://www.childprotectioninquiry.qld.gov.au/_data/assets/pdf_file/0009/175248/QCPCI_Discussion_paper.pdf)

is what has happened to families in SA and NSW.<sup>29</sup> Since it is acknowledged that there is a correlation between social disadvantage and neglect then ensuring unemployment benefits and sole parent benefits allow families to live above the poverty line may do far more to protect children than removing them and placing them with strangers.

Unmarried Aboriginal and white mothers who experienced past Forced Adoption have spoken out about their lifelong mental and physical health problems caused by the state's violence as did their stolen children. The intense suffering of Aboriginal parents and their stolen children was brought to prominent public attention in 1997 with the release of the *Bringing Them Home Report*<sup>30</sup> - as was that of the white and Indigenous mothers who had their babies stolen for the adoption market: *Releasing the Past: Inquiry into Past Forced Adoptions* (2000). Most recently the enormous pain and damage inflicted on white families torn apart by having their newborns stolen for adoption was again exposed by the Community Affairs References Committee Inquiry that released the historical: *The Commonwealth's Contribution to Former Forced Adoption Policies and Practices* (2012). All of which added to evidence gathered in other Inquiries.<sup>31</sup>

No longer can the government plead ignorance. It is patently aware of the severe mental health damage caused to children and their parent's when they are needlessly and opportunistically separated.<sup>32</sup> The damage done to families torn apart by past

<sup>29</sup> Hagar Cohen, (2010, Mar 14). 'Babies At Risk', *ABC RN, Background Briefing*, <http://www.abc.net.au/radionational/programs/backgroundbriefing/babies-at-risk/3117268#transcript>; Legislative Council of South Australia, Select Committee on Families SA. (2009, Nov). Report of the Select Committee on Families SA, Presented to the Third Session, Fifty-First Parliament 2008-2009, <http://www.bressington.net/Files/FamiliesSAResults.pdf>

<sup>30</sup> *Bringing them Home Report* April, 1997

<http://www.austlii.edu.au/au/special/rsjproject/rsjlibrary/hreoc/stolen>

<sup>31</sup> Community Affairs Reference Committee. (2012). *Senate Committee Report: Commonwealth Contribution to Former Forced Adoption Policies and Practices*. Canberra: Senate Community Affairs References Committee Secretariat

[http://www.apf.gov.au/Parliamentary\\_Business/Committees/Senate\\_Committees?url=clac\\_ctte/completed\\_inquiries/2010-13/comm\\_contrib\\_former\\_forced\\_adoption/report/index.htm](http://www.apf.gov.au/Parliamentary_Business/Committees/Senate_Committees?url=clac_ctte/completed_inquiries/2010-13/comm_contrib_former_forced_adoption/report/index.htm)

Community Affairs References Committee. (2004). *Forgotten Australians: A report on Australians who experiences institutional or out-of-home care as children*, The Parliament of the Commonwealth, Canberra: Senate Community Affairs References Committee Secretariat,

[http://www.apf.gov.au/parliamentary\\_business/committees/senate\\_committees?url=clac\\_ctte/completed\\_inquiries/2004-07/inst\\_care/report/index.htm](http://www.apf.gov.au/parliamentary_business/committees/senate_committees?url=clac_ctte/completed_inquiries/2004-07/inst_care/report/index.htm)

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[http://www.apf.gov.au/parliamentary\\_business/committees/senate\\_committees?url=clac\\_ctte/completed\\_inquiries/1999-02/child\\_migrat/report/index.htm](http://www.apf.gov.au/parliamentary_business/committees/senate_committees?url=clac_ctte/completed_inquiries/1999-02/child_migrat/report/index.htm)

Joint Select Committee. (1999). *Adoption and Related Services 1950-1998*. Tasmania: Parliament of Tasmania. Retrieved Aug 11, 2012 from <http://www.parliament.tas.gov.au/Ctee/reports/adopt.pdf>

New South Wales Parliament Legislative Council Standing Committee on Social Issues. (2000). *Releasing the Past: adoption practices, 1950-1998: Final Report, Report 22*, Parliamentary paper No. 600, Sydney, NSW: Standing Committee on Social Issues Retrieved Aug 11, 2012

<http://www.parliament.nsw.gov.au/prod/parliament/committee.nsf/0/56E4E53DFA16A023CA256CFD002A63BC>

<sup>32</sup> An overview of the now copious research of mental health damage to mothers, their taken children, the mother's subsequent children and fathers and how it is lifelong and not only negatively affects them but their extended families and communities see: Cole, C. (2011). *The Broken Bond: Stolen Babies Stolen Motherhood Viewed through a Trauma Perspective*. Supplementary Submission No. 223 to

forced removal policies has been well researched.<sup>33</sup> I therefore accuse the NSW and Australian Governments of being in breach of their promise that Forced Adoption would never ever occur again. I further accuse them of being in breach of International treaties the Australia Government signed on behalf of the nation proclaiming it would protect the rights of children; victims of domestic violence and individuals who suffer mental health problems which includes drug dependency. The NSW and the Australian Governments have failed to ensure that these rights are protected as well as violating the right of the most vulnerable to be free of unnecessary interference in their family life and the right of their children to grow up in their own families knowing their kin, culture and customs. Loss of identity is acknowledged as a major trauma for both white and Indigenous stolen children irrespective of the quality of the parenting.<sup>34</sup>

Senate Community Affairs References Committee Inquiry into the Commonwealth Contribution to Former Forced Adoption Policies and Practices

[http://www.aph.gov.au/Parliamentary\\_Business/Committees/Senate/Community\\_Affairs/Completed\\_inquiries/2010-13/commcontribformerforcedadoption/submissions](http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Community_Affairs/Completed_inquiries/2010-13/commcontribformerforcedadoption/submissions) ;

Cole, C. (2013). *Stolen Babies Broken Hearts: Forced Adoption in Australia 1881-1987*, Unpublished Doctorate, School of Social Sciences and Psychology, UWS,

<http://arrow.uws.edu.au:8080/vital/access/manager/Repository/uws:17555>

- <sup>33</sup> Gair, S. (2008). 'The psychic disequilibrium of adoption: Stories exploring links between adoption and suicidal thoughts and actions', *Australian e-Journal for the Advancement of Mental Health*, 7(3), <http://eprints.jcu.edu.au/5880/> <http://www.virtualmedicalcentre.com/news/exploring-links-between-past-adoptions-and-suicide/13426> ; McHutchison, J. (1986). *Relinquishing A Child the Circumstances and Effects of Loss*, Unpublished Master Thesis, UNSW; Higgins: 2010, *Impact of past adoption practices: Summary of key issues from Australian research, Final Report*, A report to the Australian Government Department of Families, Housing, Community Services and Indigenous Affairs, Australian Institute of Family Studies; Australian Institute of Family Studies, (2011). Senate Community Affairs References Committee Inquiry into the Commonwealth Contribution to Former Forced Adoption Policies and Practices, Prepared by Dr. Daryl Higgins, authorised by Professor Alan Hayes, Director. ; Kenny, Higgins, Soloff & Sweid: 2012, *Past adoption experiences: National Research Study on the Service Response to Past Adoption Practices: Final Report*, Report No. 21, Australian Institute of Family Studies <http://www.aifs.gov.au/institute/pubs/resreport21/> ; Community Affairs References Committee. (2012). *Former forced adoption policies and practices*, Commonwealth Contribution to Former Forced Adoption Policies and Practices, Senate Committee Report. [http://www.aph.gov.au/Parliamentary\\_Business/Committees/Senate/Committees?url=clac\\_cttc/completed\\_inquiries/2010-13/comm\\_contrib\\_former\\_forced\\_adoption/report/index.htm](http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Committees?url=clac_cttc/completed_inquiries/2010-13/comm_contrib_former_forced_adoption/report/index.htm); Cole, C. (2008). *Releasing the Past: Mothers' Stories of their Stolen Babies*, Sydney: Sasko Valjanov; Cole, C. A. (2009a). *The thin end of the wedge: Are past draconian adoptive practices re-emerging in the 21st century? Public submission to the National Human Rights Consultation (PDF 96 KB)*. <[www.humanrightsconsultation.gov.au/www/nhrcc/submissions.nsf/list/298F895A0A1C6D37CA2576240003405F/\\$file/Christine%20Cole\\_AGWW-7T29E8.pdf](http://www.humanrightsconsultation.gov.au/www/nhrcc/submissions.nsf/list/298F895A0A1C6D37CA2576240003405F/$file/Christine%20Cole_AGWW-7T29E8.pdf)>. 'The Hidden Tragedy of the White Stolen Generation', (2009). Ceridwen Spark & Denise Cuthbert (Eds.) in *Other People's Children: Adoption in Australia*, Melbourne: Australian Scholarly Publishing, pp. 95-126; Condon, J. (1986). 'Psychological disability in women who relinquish a baby for adoption', *The Medical Journal of Australia*, vol. 144.
- <sup>34</sup> Wellisch, E. (1952). 'Children Without Genealogy: A problem of Adoption', *Mental Health*, 13
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