

## Online submission to the Victorian Law Reform Commission

### Adoption Act 1984

<b>Number</b>	12
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<b>Date</b>	9 September 2016

<b>Question 1</b>	<p><b>Laws that affect children generally require that decisions are made in children's best interests. The Adoption Act 1984 does not give guidance about how to decide what is in a child's best interests. Should the Adoption Act provide guidance about how to decide what is in a child's best interests? Please answer yes or no.</b></p> <p><b>If you would like to suggest what factors should be considered, please comment here.</b></p>
<b>Response</b>	<p>Yes.</p> <p>Consent is choice, the provision of which should be willingly given. This is the key to adoption by the family which is relinquishing children; wherever possible, they should help decide what is in their best interests. A guide which should be documented in the Act.</p>
<b>Question 2</b>	<p><b>The Adoption Act includes different rules and guidelines for the adoption of Aboriginal and Torres Strait Islander children. These aim to protect the connection of Aboriginal and Torres Strait Islander children to country, language, kin and community. Should there be separate rules and guidelines that apply only to the adoption of Aboriginal and Torres Strait Islander children? Please answer yes or no.</b></p> <p><b>If you would like to add comments, please do so here.</b></p>
<b>Response</b>	<p>If there is an existing way that successfully facilitates adoption, or better alternatives, then should be applied to adoption generally.</p> <p>Determined by the absence of child's biological mother and father, to find replacement parents consistent with that loss. Where separation can be temporary, suitable foster parents better option.</p>
<b>Question 3</b>	<p><b>Single people are allowed to adopt a child in limited circumstances. They can adopt only if there are 'special circumstances in relation to the child' which make the adoption 'desirable'. This rule does not apply to couples. Should the same eligibility criteria apply to single people and couples who want to adopt? Please answer yes or no.</b></p> <p><b>If you would like to add comments, please do so here.</b></p>
<b>Response</b>	<p>If criteria is met through integrity and motivation for adoption, then single people should be considered.</p> <p>But would have to be monitored, as mother and father best model, they complement each other, which meets the best interests of any child.</p>
<b>Question 4</b>	<p><b>From 1 September 2016 same-sex couples and people who do not identify with a specific sex or gender will be allowed to adopt. However, religious bodies can refuse to provide adoption services to</b></p>

	<p>these people, based on the bodies' religious doctrines, beliefs or principles.</p> <p><b>Should religious bodies be allowed to refuse adoption services to same-sex couples and people who do not identify with a specific sex or gender? Please answer yes or no.</b></p> <p><b>If you would like to add comments, please do so here.</b></p>
<b>Response</b>	<p>Yes. There was no consultation about this</p> <p>If you do not represent your constituents, what remains is endangerment to the core of a belief system, the very basis of adoption. You do not have the consent of anyone to override their beliefs.</p>
<b>Question 5</b>	<p><b>Have you applied to adopt a child? Please answer yes or no.</b></p> <p><b>Should any improvements be made to the application process?</b></p> <p><b>If you would like to suggest improvements, please comment here.</b></p> <p><b>Application process add your comments</b></p>
<b>Response</b>	<p>No.</p> <p>Will only say that what one person records as a right can only be right if it is proven to be so. Questions asked are often styled in a certain way causing provocation; this needs to be avoided at all costs.</p>
<b>Question 6</b>	<p><b>Birth parents are able to express preferences about the religion, race and ethnic background of the people who adopt their child.</b></p> <p><b>a. Should birth parents be able to express preferences about the religion, race and ethnic background of the people who adopt their child? Please answer yes or no.</b></p> <p><b>If you would like to add comments, please do so here.</b></p> <p><b>b. Should birth parents be able to express preferences about other factors? Please answer yes or no.</b></p> <p><b>If you would like to add comments, please do so here.</b></p>
<b>Response</b>	<p>Yes</p> <p>But not in all.</p> <p>Yes.</p> <p>The key factor is in the best interests of the child.</p>
<b>Question 7</b>	<p><b>Have you tried to obtain information about another person involved in an adoption? Please answer yes or no.</b></p> <p><b>If you would like to tell us about your experience, please do so here.</b></p>
<b>Response</b>	<p>No</p> <p>A relative had a young person contact them. Could have been very difficult to maneuver if both parties not willing to engage. Glad for them; I expect safeguards in place if it is not possible</p>
<b>Question 8</b>	<p><b>When a child is adopted, a new birth certificate is created. The new certificate names the new parents (the 'adoptive parents') as if the child was born to them. It doesn't include the names of the parents the child was born to (the 'birth parents'). The original birth certificate, which shows the birth parents, cannot be used as valid identification.</b></p> <p><b>Should an adopted person's birth certificate: (select one only)</b></p> <ul style="list-style-type: none"> <li><b>only include the names and details of the adoptive parents</b></li> </ul>

	<ul style="list-style-type: none"> <li>• include the names and details of the adoptive parents and the birth parents</li> <li>• be in some other form (please specify).</li> <li>• Info on birth certificate</li> </ul> <p>If you would like to add comments, please do so here.</p>
<b>Response</b>	The natural mother and father doesn't change. Verifies my point of not styling questions to get certain answers.
<b>Question 9</b>	<p><b>When a child is adopted, their surname generally changes to the new family's surname. The child's given names may also change, if the new parents request it and the court agrees the change is in the child's best interests.</b></p> <p><b>If the new parents ('adoptive parents') want to change the child's given name, should this be permitted: (select one only)</b></p> <ul style="list-style-type: none"> <li>• always</li> <li>• never</li> <li>• only if the child agrees</li> <li>• only in exceptional circumstances</li> <li>• none of the above.</li> </ul> <p>If you would like to add comments, please do so here.</p>
<b>Response</b>	None of the above. Child's age is crucial to name change. You cannot legalise one answer to this question.
<b>Question 10</b>	<p><b>There is limited provision in the Adoption Act or Adoption Regulations for support services once a child has been adopted. The main support service provided is for relatives and parties to an adoption to access information about an adoption and to receive counselling as part of that process.</b></p> <p><b>Should the Adoption Act include requirements to provide a wider range of support services to adoptive parents and children after an adoption is finalised?</b></p> <p>If you would like to add comments, please do so here.</p>
<b>Response</b>	Yes. Particularly if the arrangement allows the natural parents or relatives access to the child or to information on progress. New family would need help to navigate contact.
<b>Question 11</b>	<p><b>Are there any other comments you would like to make about adoption in Victoria?</b></p> <p><b>Additional comments</b></p> <p><b>About you</b></p>

	<p><b>This question is optional. If you wish to tell us about your experience, please do so in the box below. Please tell us:</b></p> <ul style="list-style-type: none"> <li>• <b>If you have experience of adoption (as an adopted person, parent, relative or other)</b></li> <li>• <b>If yes, was this experience in Victoria or another state</b></li> <li>• <b>If yes, was this experience before or after 1984, when the Victorian Adoption Act came into effect and adoption laws changed significantly</b></li> <li>• <b>If your work is connected with adoption</b></li> <li>• <b>Other relevant experience.</b></li> </ul>
<p><b>Response</b></p>	<p>Having looked at full version, there will always be different interpretation of 'best interests'. The family unit is foundational to society. It reflects on government how successfully they can get that right. By promoting value of nuclear families, vulnerable people become encouraged with the support, so that adoption may be a last resort.</p> <p>The young person above had many problems, since died after his girlfriend, so his children are separated (youngest with grandparents) and a special needs child who has access to grandparents. Shared case management is crucial to this workable arrangement.</p>