

Online submission to the Victorian Law Reform Commission

Adoption Act 1984

Number	15
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Question 1	<p>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.</p> <p>If you would like to suggest what factors should be considered, please comment here.</p>
Response	<p>Yes</p> <p>Australia/Victoria is a signatory to the United Nations Convention on the Rights of the Child (UNCRC). It reminds us of our obligations and responsibilities and provides many guidelines for adopted children’s best interests that can be used. The UNCRC has 54 Articles, and also includes the Declaration on Social and Legal Principles relating to the Protection and Welfare of Children, with Special Reference to Foster Placement and Adoption Nationally and Internationally, which has 24 Articles. For example it says: “Convinced that the family, as the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children, should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community” and “Bearing in mind that, as indicated in the Declaration of the Rights of the Child, ‘the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth’ “</p>
Question 2	<p>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.</p> <p>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.</p> <p>If you would like to add comments, please do so here.</p>
Response	<p>No</p> <p>Include all guidelines together, it will be self evident that some guidelines will be more applicable than others depending on cultural and linguistic background of the child(ren) and adults. Victoria is a very diverse community, so guidelines should cover the wide ranging aspects for all.</p>

Question 3	<p>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.</p> <p>Should the same eligibility criteria apply to single people and couples who want to adopt? Please answer yes or no.</p> <p>If you would like to add comments, please do so here.</p>
Response	<p>No</p> <p>Exceptional circumstances should only permit a single person to adopt. These cases should be in the vast minority of adoption cases. The State should not be intentionally allowing a child to miss out on both an adoptive Mother & Father. The social science/research is settled and confirms that children do best when they are raised by both a Mum and a Dad. I would add that there are many married couples who would like to adopt and they should have priority.</p>
Question 4	<p>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 these people, based on the bodies' religious doctrines, beliefs or principles.</p> <p>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.</p> <p>If you would like to add comments, please do so here.</p>
Response	<p>Yes</p> <p>The State should not be intentionally allowing a child to miss out on both an adoptive Mother & Father. The social science/research is settled and confirms that children do best when they are raised by a Mum and a Dad. There are many in the community that hold the conviction that it is in the best interests of children to be adopted by a Mother/Father married couple. And not by adults in other situations.</p>
Question 5	<p>Have you applied to adopt a child? Please answer yes or no.</p> <p>Should any improvements be made to the application process?</p> <p>If you would like to suggest improvements, please comment here.</p> <p>Application process add your comments</p>
Response	<p>No</p> <p>Yes</p> <p>Streamline the process. Make it well understood. Promote this service Statewide to all Victorians and save the lives of our precious children in the process. For instance, it will save children and their Mothers/Fathers from the devastation of abortion. This is our responsibility required by the fact that we are a signatory to the UN Convention on the Rights of the Child. A very recent documentary outlines the harms of abortion to children and Mothers, see http://hushfilm.com/</p>
Question 6	<p>Birth parents are able to express preferences about the religion, race and ethnic background of the people who adopt their child.</p> <p>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.</p>

	<p>If you would like to add comments, please do so here.</p> <p>b. Should birth parents be able to express preferences about other factors? Please answer yes or no.</p> <p>If you would like to add comments, please do so here.</p>
Response	<p>Yes Preferences are fair and reasonable, even if they cannot always be fulfilled</p> <p>Yes Preferences are fair and reasonable, even if they cannot always be fulfilled</p>
Question 7	<p>Have you tried to obtain information about another person involved in an adoption? Please answer yes or no.</p> <p>If you would like to tell us about your experience, please do so here.</p>
Response	<p>Its possible in the future</p>
Question 8	<p>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.</p> <p>Should an adopted person's birth certificate: (select one only)</p> <ul style="list-style-type: none"> • only include the names and details of the adoptive parents • include the names and details of the adoptive parents and the birth parents • be in some other form (please specify). • Info on birth certificate <p>If you would like to add comments, please do so here.</p>
Response	<p>By usual definition of adoption, only include the names/details of adoptive parents. Children should also have the recourse to find their birth parents (at a time when and if its in their best interests).</p> <p>By usual definition of adoption, only include the names/details of adoptive parents. Children should also have the recourse to find their birth parents (at a time when and if its in their best interests). When they reach 18, as an adult they should have access to birth parent information.</p>
Question 9	<p>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.</p> <p>If the new parents ('adoptive parents') want to change the child's given name, should this be permitted: (select one only)</p> <ul style="list-style-type: none"> • always • never • only if the child agrees

	<ul style="list-style-type: none"> • only in exceptional circumstances • none of the above. <p>If you would like to add comments, please do so here.</p>
Response	<p>None of the above</p> <p>This decision will likely depend on the age of the child, so one requirement won't fit every situation. A new Adoption Act needs to allow for several fair/reasonable outcomes. For example, adoptive parents could change the name of a newborn. Or in the situation of a 10 year old child, the child must have a say. See Article 12 of the UNCRC for principles about this point.</p>
Question 10	<p>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.</p> <p>Should the Adoption Act include requirements to provide a wider range of support services to adoptive parents and children after an adoption is finalised?</p> <p>If you would like to add comments, please do so here.</p>
Response	<p>Yes</p> <p>This is also described in the UN Convention on the Rights of the Child, which we are a signatory to. For example see Articles 17 and 18.</p> <p>For example, the adopted child(ren) and adoptive parents should be given an appropriate Dept of Human Services status given their special needs and so should be able to access Medicare services and perhaps even the NDIS could be expanded to reflect the special needs of these families. Not all such families would require them, but those who do should not be put at a disadvantage, given the valuable decision they have made to take care of vulnerable/special needs children.</p>
Question 11	<p>Are there any other comments you would like to make about adoption in Victoria?</p> <p>Additional comments</p> <p>About you</p> <p>This question is optional. If you wish to tell us about your experience, please do so in the box below. Please tell us:</p> <ul style="list-style-type: none"> • If you have experience of adoption (as an adopted person, parent, relative or other) • If yes, was this experience in Victoria or another state • If yes, was this experience before or after 1984, when the Victorian Adoption Act came into effect and adoption laws changed significantly • If your work is connected with adoption

	<ul style="list-style-type: none"> • Other relevant experience.
Response	<p>Adoption services must be clearly communicated and promoted at all medical services Victoria wide. Counseling for Mothers & Fathers must be mandated and offered when they are seeking an abortion at places that offer them. Victoria is a signatory to the United Nations Convention on the Rights of the Child. For instance in the Preamble and Article 2 (just to name a few places) it says "Bearing in mind that, as indicated in the Declaration of the Rights of the Child, 'the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth' "</p> <p>I am an advocate for children in the womb and for their Mothers/Fathers. I am a member of the Helpers of God's Precious Infants. Each child, before as well as after birth, is of infinite value. It is our State's/our Commonwealth's responsibility as a signatory to the UNCRC to provide and promote the life saving alternative of Adoption to all pregnant Mothers/Fathers Statewide/ Nationwide. Adoption must become commonplace again. There are many married couples who are unable to conceive and who desire to adopt children. A compassionate and caring society and Government must serve this role and provide these services.</p>