

Online submission to the Victorian Law Reform Commission

Adoption Act 1984

Number	19
Name	Sharyn White
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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>But what needs to be taken into account is that the person adopted does not remain a child. The wording has been aimed at children, not acknowledging that adoption does not end. It affects the person over their whole lifespan, and beyond, as the adopted person's children are also attached to a false 'family' tree.</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>ALL children/adults have a deep need to remain connected to their kin, not just certain groups of people. Long-term guardianship as a last resort is the only measure which provides stability without the child (then adult) losing their identity, ancestry and heritage in the name of care.</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>Yes. No-one should be adopting - equally</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	No. Adoption services should be refused equally to anyone no matter what they identify as.
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	No
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>a.)No</p> <p>This offer gives the impression of a small amount of "control" and as such it would encourage people who may feel unsure (who have not been fully informed of the damages of adoption) to "choose" to give up legal control and connection to their child. As such it is a form of coercion - different to past practices, but with a similar outcome.</p> <p>The natural/real parents should be fully informed as to the damage that the adopted person will suffer through maternal separation and living with a false birth certificate and growing up with non-genetically related strangers. They should also be informed of the issues that most parents go through after the loss of their child to adoption.</p> <p>b.)No</p> <p>This offer of 'preferences' gives the impression of a small amount of "control" and as such it would encourage people who may feel unsure (who have not been fully informed of the damages of adoption) to "choose" to give up legal control and connection to their child. As such it is a form of coercion - different to past practices, but with a similar outcome.</p> <p>The natural/real parents should be fully informed as to the damage that the adopted person will suffer through maternal separation and living with a false birth certificate and growing up with non-genetically related strangers. They should also be informed of the issues that most parents go through after the loss of their child to adoption.</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>Yes</p> <p>To be able to restrict the contact of a group of people and treat them differently to other members of society is discriminatory and wrong. If any</p>

	<p>other person in Australia does not wish to or should be prevented from contacting any member of their family, restraining orders are available. Adoption laws make it impossible for a mother or father and their adult child, to be recognised as next of kin. They make it possible for a sister and brother to legally marry. Why do we have one group of people prevented from having the same rights to relationships to their families as any other person in Australia?</p> <p>The obliteration of natural and legal ties with family members is a barbaric social custom which should not be carried out in our current - supposedly enlightened and "equal" - society.</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>An adopted person's birth certificate should be in the form of their true birth certificate, with the TRUE details on it of their birth, not of their subsequent carers.</p> <p>A birth certificate should be just that. If later transfer of care is appropriate, a certificate of guardianship will give the bearer the power to make changes on behalf of the child, without removing their identity and ancestry, and falsifying the record of their birth. This is something that adult adoptees have to live with on a day to day basis.</p> <p>I identify as the person I was when I was born, with the ancestry I had when I was born. As an adopted person, I am prevented legally from using my true birth certificate because of an arrangement for my care as a minor which I did not give consent to as an adult.</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

	<ul style="list-style-type: none"> • only if the child agrees • only in exceptional circumstances • none of the above. <p>If you would like to add comments, please do so here.</p>
Response	<p>NEVER</p> <p>If appropriate, a change of name could be lodged which the adult can easily change back when they are no longer a minor. There is never a need to change an original birth certificate (unless the details were incorrect).</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>Absolutely, under guardianship, not adoption. It would not be adoption if the child (then adult) was not legally decreed to be "as if born to" the adopter - which gives the adopter the same rights as natural parents. This question highlights the intrinsic discord between the *idea* (blank slate/pre-DNA era) that a legal decree can change someone's biological relationships, and the acknowledgement of modern science that it can't. Offering a 'wider range of support services' is just an acknowledgement that decreeing that a child (then adult) is "as if born to" genetic strangers is a form of magical thinking.</p> <p>Allowing a child to disappear off the state's books into adoption absolves the state of any accountability towards that child's care. It moves child protection from the public into the private domain.</p> <p>A person growing up without their biological family is more likely to have significant problems arising from the trauma of maternal separation, loss of family, and the requirement to fulfill the needs of unrelated adults for a child of 'their own'.</p> <p>Adoption can't be in both camps at the same time. If it's acknowledged that decreeing that a child (then adult) is "as if born to" people they are in care of does not make that child as if born to those people, then what is needed is a method of getting children looked after which doesn't have such a damaging, unrealistic and unattainable definition.</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 • Other relevant experience.
Response	<p>Please think about the rights *of* the child then adult rather than those who think they have a right *to* a child. Listen to the many voices of adopted people who have lived experience of this damaging institution. There is a duty of care to listen as in future when more generations ask how this could have been allowed to continue, saying 'we didn't know' will not be an option.</p> <p>Do research - Gather statistics from the Births Deaths and Marriages Department. Count those adopted in Victoria and compare their age of death with the general population. Count adoptee numbers incarcerated, homeless and with mental health issues. Research adoption over the lifespan, and inter-generationally.</p> <p>Duty of Care - Statewide campaigns are waged against smoking while pregnant due to potential harm of the child... and yet peer reviewed research which indicates significant findings of harm due to the many and cumulative damages of adoption are ignored along with the voices of adopted adults!</p> <p>Some References/research: Petersen L., Sorensen T., Mortensen E., Andersen P "Excess Mortality Rate during Adulthood Among Danish Adoptees", 16/12/2010 http://dx.doi.org/10.1371/journal.pone.0014365</p> <p>Keyes, M., Malone, S., Sharma, A., Iacono, W., McGue, M. "Risk of Suicide Attempt in Adopted and Nonadopted Offspring", 9/9/2013 Journal of the American Academy of Pediatrics.</p> <p>Follow up those original studies on Open Adoption in Victoria, look at the outcomes even later - Phillipa Castle in Families, policy and the law, Selected essays on contemporary issues for Australia: Current open adoptions: Mothers' perspectives. Australian Institute of Family Studies website - Publications.</p> <p>I have experience of adoption as an adopted person. My mother was from Victoria (I have several generations of ancestors who were early settlers and on in Victoria), and she was sent on a train to a mothers home in South Australia where I grew up separated from my kin. I was born prior to 1984, but I don't consider that many of the main problems associated with</p>

	<p>adoption changed much in 1984 (or in 1988 in South Australia). Besides adoption being open (for most) since 1984/1988, there are still the issues of identity loss (knowing who you used to be is not the same as having the right to keep your ancestry and family connections) , and the inability to use true birth certificates, and growing up away from your family, whether you see them for visits or not.</p>
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