

## Chapter 2

The adoption act 1984....My Observation of these comments.

P.10...2.17.. “During the 60’s evidence emerged of the damage caused by closed adoptions etc.....it disturbed me to be reminded that the fall out was clear in the 60’s and yet we still had our babies taken in the 70’s. The fact we had the highest rates of adoption in the world in 1970/71 is just criminal.

My thoughts and Comments on recommendations.

p.15 ...2.46 ...Adoptive parents can make it difficult or uncomfortable for families of origin to stay in contact with the child. Surely if contact is set out on an order it is legally binding and therefore enforceable.

## Chapter 3

p.25 3.23...An adoption order ends the relationship between the child and its parents. The law views the child as the adoptive parent’s child, as though the child was born to them.” Wrong!!! This should never be the case. The parent should always remain as the parent and the order reflect guardian/ parent /carer. Birth certificates should never be altered and both parties should be named, Including birth father where possible.

As mothers have we weren’t always given the option to name our babies or complete the forms relating to BD&M. In my situation I was in such a poor mental state, a nurse simply took the forms and completed them. I pleaded with her to include the name I had chosen for my baby. She agreed, however she spelt the name as she would have and not how I wanted. Sadly that remains the legal name to this day. Many girls had unnamed babies. Imagine being an adoptee and finally getting your birth certificate to find you have not been given a name. To add to this disappointment another common occurrence for birth certificates, “ Father unknown” . Mothers were always told, “It’s best not name baby’s father.” if we disputed this we were told they would be charged with carnal knowledge.

3.28 ‘Permanent care/long term guardianship orders...do not extinguish the legal relationship between a child and its parents. It remains in effect until 18yrs of age.’ In my case I was well and truly out of home by then. I had

already searched desperately to find my mother as a pregnant teen, praying she would help me. Things could have been different had I known the name I was given at birth or better still had some knowledge or form of relationship with my family of origin. Instead I had doors slammed in my face.

3.66..."Deciding to have a child adopted is a significant decision." Significant!!! It is the most horrific decision you will ever have to face. It will change your life forever and not in a good way. It is vital the mother/parents are given legal advice independent of the dept /agency they are dealing with and that they always have an advocate to support them.

3.69 .."The Parent has 28days to revoke consent." Definately, Not long enough. This is a baby we are talking about not something ordered on line. I believe we need to look at how long it takes to get over the birth, changing hormones, the healing process, the emotional turmoil, plus all the other things that can impact on a decision. My adopt mother came to see me when my baby was 6 weeks old, saying I had been punished enough and I could now bring my baby home. It was too late I told her. I had met with the hospital social worker when my child was 3 weeks of age, begging for material aid and support to enable me to take my baby with me. She informed me then that my child had already gone from the hospital and placed with her "mother and father" As dysfunctional as my adoptive parents could be, I would have gladly returned to their home with my child had it meant I could keep her.

Suitability. Adoptive parents.

p.32..3.87 Mental health. I believe many any adoptive mothers, similar to mine, never came to terms with not being able to have biological children. I know how that plays out, as I paid for that loss. Over the years I became aware of many other adoptive mothers who went on to have biological children after adopting, leaving the adopted child forgotten and fighting for their love.

Chapter 4.

p39.4.15 "Due to problems arising out of adopt in the past thousands of kids are placed in foster care now." I am not a big fan of foster care, I have seen too many placements go seriously wrong. I have worked with so many young people that have come out of those situations, and they are permanently

damaged. BUT ...adoption is not the answer. Long term guardianship could offer a permanent loving home without severing contact with parents. The one thing I learnt in my work over many years is that children love and are loyal to their parent/s regardless of how chaotic or bizarre the situation was. The Permanent Care framework allows that relationship to continue on some level. If the child is truly loved and stable in the long term home care situation, the parenting arrangement will not end when the child turns 18. It offers the child a more enriched life with everything being open and transparent.

Many Adoptive parents have that fear the parent will come and take “their children” if given the option of contact. This fear would be removed as well with guardianship because information and contact is part of the order.

p.40 ..4.18 Impact of illicit drug use on families. I agree too many children are left with or bounced back and forth to at risk situations. I saw this in my work. Currently there may be a bias against adoption and a preference for keeping children with bio parents but it's not always the right decision for a child. Once again Long term guardianship could very well be the best answer.

4.21.” Due to past mistakes in adoption” there is concern this could happen again. Of course there is. Adoption is still happening , so it is still happening.

p.41. 4.25 I believe 5 years is too long to wait to grant order for permanent care. Having worked with high risk families I saw first hand how chaotic, dangerous and destructive these situations can be. In my opinion 2 years is sufficient time for parents to prove they can provide stability in the child's life. The child need must be paramount and although upsetting, it may be more of an incentive for a parent to really get their life on track or moving in the right direction.

P43. 4.41 Adoption should be the very last option in the permanency debate.

p.45. 4.51 ‘Where parental consent for adoption is not required or dispensed with by a court’.... Again.. adoption should not be the first option rather long term guardianship/permanent care.

Chapter 5. Best interest of the child.

Question 1. The best interest of the child should always be paramount which doesn't mean to say adoption is the best option over permanent care.

5.28 .The Act details matters the court must take into to consideration to determine the child's best interest. I worry about that being left to one magistrate. I believe a panel of court appointed specialists rather than one person would be preferable.

Q2. Decision makers need to consider if adoption is ever in the best interest of the child. Why not permanent care? This would offer the same protection for a child. Is it because there are less options for placement because people prefer to adopt rather than offer guardianship/perm care? You need to remember this is for the whole life of the child and therefore take into account every option: is there a family member willing to take them, will siblings be placed with them or what are the options for them, do they have a relationship/support system elsewhere. You want these children to look back as adults and be content with the decisions that were made on their behalf... So put yourself in their shoes.

P54. 5.43 "Consent." I believe 14 days after the birth is far too early to give consent. Your body is in trauma after child birth and your emotions are scattered. The mother needs to have counselling sessions independent of any governing body to ensure they are really clear on their choice.

"Rights of others to access info about adoption." No. This definitely needs to be determined by the parent. I would not have wanted my adoptive parents or the paternal grandparents to have access to anything related to my child's adoption. After all they were part of the reason my baby was taken for adoption.

5.51 . "The woman seeking to adopt is not pregnant or seeking IVF." Hard to enforce? How would this exactly be done?

Q3 " A subsequent child should not be given to adoptive parent for at least 2 years. The youngest child is to be 2 years less in age to adopted child." If there is a 2 year old at home it seems all too early to be getting another to adopt.

Q4" Siblings should always be kept together." If it meant none of the children would be placed permanently due to the availability of places able to take

more than one child, then it gets hard. As an adoptee, what would I have chosen? I would have still wanted to be with my sister, but how would that have played out? Would it have meant a series of foster homes, an orphanage, a group home? I would have still chosen to be with her as I believe it would have placed a wedge between me and the family who had taken me. The only other alternative is for siblings to be placed separately, but with legally binding orders stating ongoing, regular contact.

Q5. "The Father should be named on birth certificate whenever possible." I think he should be notified an adoption will take place but not necessarily given any right in consent. If he is estranged from the mother it may be productive to have a case conference /counselling to get his opinion and with work with the mother to find an appropriate option. It may be he has not known of the pregnancy, but now is willing to become a support enabling a mother to keep child. It may also be that he has left the woman not wanting any part of the relationship or pregnancy. Then why should he have any say in what happens. If the baby's father was violent, a one night stand, in prison for serious crimes, or suffering long term mental health issues. This then presents an argument for not notifying him? Each case needs to be examined on an individual basis.

Ch 5. "Revoke consent."

Q7 . It is obvious that 30 days isn't long enough for a decision of such importance to be made. Your body and mind are going through changes that any mother will tell you will last for some time. Add to this the pressure of handing a child over for adoption! Perhaps add the loss of a relationship with baby's father, accommodation worries, financial problems, being disconnected from family and friends. Having to make a final decision with all of those pressures is not very different now than it was in my time. Why can't the baby be placed in short term care for a few months until mother is deemed well enough mentally and physically (perhaps by a GP/psychologist) to make a final decision.

Q8. The mother/parents should have the primary consideration in consenting to adoption, but relatives could be consulted as they may be able to offer a permanent home, given they are suitable, and the parent agrees.

Q9." Grounds for dispensing with consent." I think you have to look at what "reasonable enquiry " to find the mother means? I know of many young women who took off from the hospital after giving birth due to fear /dread/anxiety about making that decision. I do think every avenue should be taken to find the parent before any other action is taken.

Q10."Should a Court be able to add extra clauses to order." Yes, as long as it is in the best interest of the child and the parent is taken into consideration. Example: If parent isn't sure if that they will be able to emotionally deal with contact with child at time of order being made, then the order could have a clause inserted leaving it open for that parent and the adoptive parent to set out the terms of future contact/ info sharing.

Q11. Each case needs to be looked at individually, but in general the parent should have the say in who they want to have contact with the child, and if they are deemed suitable then it should go ahead. If the child has formed a bond with a relative or the like then that should be noted and formalised as being in the child's best interest.

Q13/14/15/16. I think had I been asked at 12 yrs of age I could have made an informed decision about my adoption. A case conference discussing the child, the family or extended family needs to happen to consider all aspects. A child could have representation if he/she was mature enough to verbalise concerns. A non legal support or advocate could also represent child. This could be a close relative or friend. Often workers who have had long term involvement with a family are seen as a trustworthy and important part of the child's life, and therefore make an excellent advocate.

Ch7. Q23. As a mother I don't believe 2 years of cohabitation is enough, be it married or defacto. Seems too little time to then throw a child into the mix.

Q24. If the single person wanting to adopt is a family member or has a solid relationship with the child then I believe it is appropriate, and only then.

Q.27/28

7.117 Suitability. There is no mention of the age suitability for adoption. I was adopted by older parents as were so many in my time and it just made everything so much more difficult.

7.125 “The acceptance of one’s infertility is a crucial part of the process.” My adoptive mother was convincing that she had come to terms with her infertility. I can assure you that was not the case! I don’t know how you can prove that the adopted mother has reached acceptance.

Q29/30

“The assessor makes recommendations on the suitability of the prospective adoptive parents.” I’d like to think it is several assessors or a panel over a number of appointments.

Q32. Parents should be able to express wishes regarding the prospective adoptive parents. From an adoptees perspective, If my mother hadn’t of stipulated that my twin and I were to be kept together, we may never have known of each other.

Ch8.

Q33. Seems adequate.

Q34. There are a myriad of problems that arise when you are trying to get information. The wait time with organisations such as FIND is discouraging and Births deaths, marriages take forever. Often the information we get is limited and confusing.

Q35. An Adopted child under 18 should be able to receive all information as their adoption would stipulate as per Open adopt 1984.

Q36/37. I believe as an adoptee and a mother of child lost to adoption that if everything is open and transparent then it is better for all parties. The lack of information and adoptions clouded in secrecy in the past helped no one.

Q38. As long as the Act states clearly that all information is transparent and accessible then there will be no confusion.

Q39/41. As an adoptee I would have liked an integrated birth certificate with all parties named. If there was no longer secrecy and everything was out in the open then an adoptee should not be uncomfortable with this type of certificate.

Q41/42. I don't believe the child's name should ever be changed. In my case the midwife that delivered my baby ripped her from me and declared triumphantly that she would be named "Ilona" after her mother in law! Then a nurse completed the birth records and changes were made to the names I had chosen. My own name was changed, as was my sisters after our adoption.

Q43/47. The Adoption Act needs to be clear and in language that is understood by all not just academics. The term mother should be used for the birth mother. Adoption is not and should have never been the answer for any child. If a child definitely needs long term placement then guardianship/permanent care is a better option.

Q48. Post adoption support is vital. Mothers and adoptees from decades gone will forever be traumatised and require help. I believe everyone who has been through the adoption process should be able to access support at any point.