

Online submission to the Victorian Law Reform Commission

Adoption Act 1984

Number	3
Name	Leilani Hannah
Date	20 August 2016

Chapter 5 The best interests and rights of the child

The Commission is seeking the views of the community on any changes that may be required to the Adoption Act 1984 to ensure that the best interests of the child are paramount.

Question 1	Should the Adoption Act use consistent terminology to guide decision makers in a decision relating to adoption? If not, in what circumstances should terminology other than the best interests of the child be used?
Response	There are many people in the adoption community who feel very strongly about the language used and I believe that needs to be respected. The term "birth mother" is considered disrespectful and the preferred term is "natural mother" or "first mother".
Question 2	Should the Adoption Act provide guidance about how to determine what is in a child's best interests? If yes: a. What should decision makers be required to consider? b. Should all the matters have equal weight or should some be weighted more heavily than others c. If some matters should be weighted more heavily than others, what are they?
Response	The research is overwhelming, (including Australia's National Research Study) that adoption is a long lasting trauma that affects the adoptee for the rest of their lives in countless ways. Therefore, it is not in the child's best interests for adoption to occur at all, and should be an absolute last resort. The preference should be for children to stay within their own family and grow up amongst their own people.
Question 3	Should the Adoption Act have requirements about the age differences between the adopted child and any other children in the family? If yes, what requirements?
Response	Yes, I was adopted by an older mother, and I grew up being and feeling different and inadequate because of both. My school friends thought my mother was my grandmother. It compounded our genetic differences as we also had a wider generation difference.
Question 4	Should the Adoption Act include a principle requiring decision makers to consider placing siblings for adoption in the same family? If not, in what other ways could the Adoption Act ensure that sibling relationships are considered in decisions about adoption?

Response	There is absolutely NO QUESTION that families should stay together. How can this question even need to be asked. If we are talking about the best interests of the children, then they should be kept with as many members of their own families as possible. Being adopted is NOT the same as growing up in your OWN biological family.
Question 5	Should there be a greater obligation to identify and contact the father of the child to obtain his consent to an adoption? If yes, what steps are reasonable to try to obtain a father's consent?
Response	Yes. A fathers presence in a child's life is crucial emotionally and is specific to several developmental stages in a child's life. Also, any adoptee wants to feel that either or both of their parents care about them.
Question 6	Are there any situations when no attempts should be made to contact the father to seek his consent to an adoption? If yes, what are they?
Response	No
Question 7	Should any changes be made to the current consent provisions? If yes, what changes?
Response	I don't believe that new birth certificates should be made. There is only one "birth" certificate, and that is the original birth certificate. The child needs to know who they are, psychologically. There is no point pretending that life has started when the child joined this new family. Its an insulting lie.
Question 8	Should any other people be consulted about, or required to consent to an adoption? If so, who?
Response	Any other family members. The child should be kept within their own genetic family.
Question 9	Are the grounds for dispensing with consent appropriate for adoption in contemporary Victoria? If not, what changes should be made?
Response	There are no grounds for dispensing with consent. But I don't believe in outright adoption, I believe in guardianship or some other name. Taking another person's child, pretending it is your own, giving it a new birth certificate, is a lie.
Question 10	Should the court be able to put conditions on an adoption order in a broader range of circumstances if it is in the best interests of the child? These circumstances might include situations where: <ol style="list-style-type: none"> a. the court has dispensed with the consent of a parent but it is in the best interests of the child to have contact with the parent or with relatives of that parent b. consent was given but the adoptive parents and the birth parent giving consent have not agreed about contact or exchanging information about the child.
Response	It is always in the best interests of the child to have contact with their own relatives. This should not even be negotiable. It is not new ownership, the child is from their original family, that is the truth, and in order to grow up as emotionally healthy as possible, they need to know that and know their family.

Question 11	<p>How should adoption law provide for the child's contact with family members other than parents? For example:</p> <ol style="list-style-type: none"> a. Should contact arrangements be considered as part of a best interests principle? b. Should a decision maker, such as DHHS, be required to consider contact with family members other than parents after an adoption? c. Should the court be required to consider making conditions for contact with family members other than parents after an adoption?
Response	I believe contact should be possible whenever the natural family wish it. But the adoptive parents will likely not like that because they want to see the child as theirs and don't want interference.
Question 12	Are there any other issues within the terms of reference that should be considered in determining the best interests of the child and balancing the rights and interests of other people with an interest in the adoption? If yes, what are they?
Response	I'm almost 50 years old, and still seeking treatment for the psychological damage done to me as a product of the forced adoption era. It has affected me to my core. Being torn away from your natural mother, at any age up until after the "age of reason" (around 7) impacts on the child's ability to pass through developmental milestones that non-adoptees do not understand. The trauma is impacted by the fact that society thinks it's ok for children to be adopted and that we should be fine with it. It is also hard for adoptees to speak the truth as we risk offending our adoptive parents, who our very survival depends upon. We live in constant fear of a second rejection or abandonment.
Question 13	In some states and territories, children aged 12 and over consent to an adoption. Should this be required in Victoria? If not, are there any changes that should be made to the Adoption Act to ensure it provides appropriately for the views and wishes of the child?
Response	Children under care of adults are not in an equitable relationship. They cannot speak their truth without being afraid of the repercussions. They should not be placed in that predicament. At 12 I was terrified, at 50 I am still terrified, of offending in any way my adoptive mother. The fear, terror, of repeating the original trauma is pathological and deep.
Question 14	In what circumstances, if any, should a child have separate legal representation in adoption proceedings?
Response	A child should be kept with their original family, they are the best to represent the child as they have an innate love for their own kin. They aren't seeking to fill their own void of not being able to have children.
Question 15	Should the Adoption Act provide guidance about the duties and role of a legal representative? For example, should a lawyer act in what they think is the best interests of the child, or should they follow the instructions of the child even if they don't think this is in the child's best interests?
Response	Lawyers, doctors, social workers, have no place in deciding a child's future. It was a doctor and a lawyer who deemed it was best for me to be adopted out into a dysfunctional family and I'm still picking up the pieces.

Chapter 6 Aboriginal and Torres Strait Islander children and the best interests principle

The Commission is seeking the views of the community about whether the Adoption Act provides appropriately for the best interests of Aboriginal and Torres Strait Islander Children.

Question 16	Should the Adoption Act provide for non-legal representation or support of a child in adoption proceedings? If yes, what kind of representation or support should this be?
Response	The biological family
Question 17	Should there be a positive duty on the Secretary of DHHS to make reasonable inquiries as to whether a child to be placed for adoption is an Aboriginal or Torres Strait Islander child? If yes, what type of inquiry might be reasonable?
Response	Yes, a child needs to grow up with people who they look like, and are like. Genetic mirroring is an important part of childhood development and causes bewilderment and insecurity for children who don't grow up with people who look like them. It compounds the fact that they don't belong.
Question 18	Should there be separate rules and guidelines that apply only to the adoption of Aboriginal and Torres Strait Islander children? If yes, is the child placement principle in the Adoption Act (section 50) an appropriate mechanism? If, not what changes should be made?
Response	Indigenous children should stay with indigenous communities.
Question 19	Should there be a requirement that in any adoption of an Aboriginal or Torres Strait Islander child the first preference is to place a child for adoption with Aboriginal or Torres Strait Islander extended family or relatives? If not, what should the order of preference be for placing Aboriginal and Torres Strait Islander children for adoption?
Response	Indigenous children should stay with their biological families, and if that is not possible, within their own people.
Question 20	Should the Adoption Act require that adoption be considered for Aboriginal and Torres Strait Islander children only where there is no other appropriate alternative?
Response	There should never be adoption in my opinion, ever. Guardianship, or equivalent, the concept of adoption, of taking a child and pretending it is yours, is a lie and stupid and damaging.
Question 21	Should there be different principles for the adoption of Aboriginal children as compared to Torres Strait Islander children? For example, should there be a separate child placement principle for Torres Strait Islander children as compared to Aboriginal children as is the case in New South Wales adoption law?
Response	Indigenous children should stay with their biological families, and if that is not possible, within their own people. There should never be adoption in my opinion, ever.
Question 22	Should parents of Aboriginal and Torres Strait Islander children retain the ability, that parents of other children do not have, to put conditions on their consent to the adoption of their children? If not, what options should there be to protect the connection of Aboriginal

	and Torres Strait Islander children to country, kin, language and community?
Response	Indigenous children should stay with their biological families, and if that is not possible, within their own people. There should never be adoption in my opinion, ever.

Chapter 7 Eligibility, suitability and contemporary attitudes and law
The Commission is seeking the views of the community about who should be eligible to adopt, and whether current suitability and eligibility requirements are consistent with contemporary views and expectations about family.

Question 23	<p>Couples in domestic relationships are required to prove that they live together and have lived together for two years, to be able to adopt. This requirement does not apply to other couples such as married couples.</p> <p>a. Is a co-habitation requirement consistent with contemporary family life and the best interests of the child?</p> <p>b. If yes, should a co-habitation requirement apply to all couples equally?</p>
Response	Its not absolutely necessary, the most important thing is that they are surrounded by love, unconditional acceptance, and not made to suffer more than they have already. These aren't "ordinary" children and need special patience, care, support, nurturing and love. They've suffered trauma and have missed developmental milestones. They can't be parented as if they are normal kids.
Question 24	<p>Single people can adopt a child only if there are 'special circumstances in relation to the child' which make the adoption 'desirable'.</p> <p>a. Is this requirement consistent with the best interests of the child?</p> <p>b. Should this requirement be amended? If yes, what criteria should apply to adoptions by single people?</p>
Response	If the single person is the child's natural relative then that is best for the child.
Question 25	A religious body that provides adoption services may refuse to provide services to same-sex couples and people who do not identify with a specific sex or gender, if the body acts in accordance with its religious doctrines, beliefs or principles. Is this consistent with amendments to the Adoption Act that enable same-sex couples, and people who do not identify with a specific sex or gender, to adopt?
Response	I don't believe adoption should occur ever. Nothing can replace the bond between a mother and child and it is necessary for emotional wellbeing and the severing of it causes trauma and has lifelong implications.

Question 26	Step-parents and relatives of a child can only adopt a child in their care in limited circumstances. Parenting orders under the Family Law Act are the preferred option in these situations. Is this appropriate? If not, what changes are needed?
Response	Step parents are not parents. they are step parents and should not be able to adopt
Question 27	Are the suitability criteria in the Adoption Regulations appropriate? Should any criteria be added, removed or changed?
Response	I don't believe there should be adoption. A child should stay with its biological family at all cost. The only alternative is guardianship.
Question 28	Should the requirements applicants must satisfy for approval to adopt be set out more clearly in the Adoption Act and/or Adoption Regulations? If yes, what changes are required to make this clearer?
Response	I don't believe there should be adoption. A child should stay with its biological family at all cost. The only alternative is guardianship.
Question 29	Should the steps in the assessment process be set out more clearly in the Adoption Act and/or Adoption Regulations? If yes, what changes are required to make the assessment process clearer?
Response	I don't believe there should be adoption. A child should stay with its biological family at all cost. The only alternative is guardianship.
Question 30	Could any other improvements be made to the assessment process? If yes, what improvements could be made?
Response	I don't believe there should be adoption. A child should stay with its biological family at all cost. The only alternative is guardianship.
Question 31	Should the process by which adoptive parents are selected be set out more clearly in the Adoption Act and/or Adoption Regulations? If yes, what changes are required to make the selection process clearer?
Response	I don't believe there should be adoption. A child should stay with its biological family at all cost. The only alternative is guardianship.
Question 32	Is it appropriate that birth parents are able to express wishes about the religion, race and ethnic background of adoptive parents? What matters should parents be able to express wishes about? Should other matters be included in the Adoption Act?
Response	I don't believe there should be adoption. A child should stay with its biological family at all cost. The only alternative is guardianship. If a child has to be with people outside their own family, it should at least be within its own community and culture.

Chapter 8 Information and identity

The Commission is seeking the views of the community on who should have rights to adoption information under the Adoption Act and how an adopted person's identity should be reflected on their birth certificate.

Question 33	Should any other people have rights to adoption information under the Adoption Act? If yes, who should be given these rights and what should their rights be?
--------------------	--

Response	I don't believe there should be adoption. A child should stay with its biological family at all cost. The only alternative is guardianship.
Question 34	Do any problems arise when people seek adoption information through an adoption information service? If yes, what are the problems and what legal changes, if any, are required to address them?
Response	There is not enough support to help adoptees find their original families.
Question 35	Are the rights to adoption information and the limitations on those rights fair to all people involved in the adoption process? If not, what changes are needed?
Response	Adoptees should not have to actively choose to initiate finding their own families. Making this decision feels like a betrayal and shouldn't be put in the laps of adoptees. The information should be freely available and given right from the beginning. There should be no lies. Adoption itself is a lie, as it "pretends" these people are the parents. They aren't. A child only has one set of parents. The rest are guardians, or foster parents, etc.
Question 36	Is the balance in the Adoption Act between providing access to information and protecting people's privacy appropriate? If not, what changes are needed?
Response	Adoptees should not have to actively choose to initiate finding their own families. Making this decision feels like a betrayal and shouldn't be put in the laps of adoptees. The information should be freely available and given right from the beginning. There should be no lies. Adoption itself is a lie, as it "pretends" these people are the parents. They aren't. A child only has one set of parents. The rest are guardians, or foster parents, etc.
Question 37	What factors should be taken into account in deciding to release identifying information about a person?
Response	Adoptees should not have to actively choose to initiate finding their own families. Making this decision feels like a betrayal and shouldn't be put in the laps of adoptees. The information should be freely available and given right from the beginning. There should be no lies. Adoption itself is a lie, as it "pretends" these people are the parents. They aren't. A child only has one set of parents. The rest are guardians, or foster parents, etc.
Question 38	Should the provisions of the Adoption Act relating to the release of adoption information be made clearer? If yes, what changes are needed?
Response	Adoptees should not have to actively choose to initiate finding their own families. Making this decision feels like a betrayal and shouldn't be put in the laps of adoptees. The information should be freely available and given right from the beginning. There should be no lies. Adoption itself is a lie, as it "pretends" these people are the parents. They aren't. A child only has one set of parents. The rest are guardians, or foster parents, etc.
Question 39	How should an adopted person's identity be reflected on the person's birth certificate?

Response	There is only one birth, there is only 1 set of parents, there should only be one birth certificate. There can be a certificate of guardianship or whatever. Having 2 birth certificates is a mind [REDACTED]. Having 2 'mothers' is a mind [REDACTED].
Question 40	If a different form of birth certificate were available to adopted people, what legal status should it have?
Response	There is only one birth, there is only 1 set of parents, there should only be one birth certificate. There can be a certificate of guardianship or whatever. Having 2 birth certificates is a mind [REDACTED]. Having 2 'mothers' is a mind [REDACTED].
Question 41	Are there any problems with introducing integrated birth certificates or another form of birth certificate? If yes, what are the problems and how could they be addressed?
Response	There is only one birth, there is only 1 set of parents, there should only be one birth certificate. There can be a certificate of guardianship or whatever. Having 2 birth certificates is a mind [REDACTED]. Having 2 'mothers' is a mind [REDACTED].
Question 42	Is changing a child's given names consistent with the best interests of the child?
Response	NO!!!!!! There is only one birth, there is only 1 set of parents, there should only be one birth certificate and one name. There can be a certificate of guardianship or whatever. Having 2 birth certificates is a mind [REDACTED]. Having 2 'mothers' is a mind [REDACTED]. Having 2 names is a mind [REDACTED].
Question 43	In what circumstances (if any) should the Adoption Act allow a child's given names to be changed?
Response	Never

Chapter 9 Modernisation and operation of the Adoption Act
The Commission is seeking the views of the community on modernisation of the Adoption Act and also on how to ensure that the procedural and operational requirements in the Act are suited to contemporary society and consistent with other laws.

Question 44	Should the Adoption Act include a section identifying the main object of the Act? If yes, how should the main object be described?
Response	Don't care - adoption is wrong.
Question 45	Should the Adoption Act include general principles to guide the exercise of power? If yes, what should these principles be?
Response	Don't care - adoption is wrong.
Question 46	Is there terminology in the Adoption Act that should be changed because it is unclear, outdated or inconsistent with other law? If yes, what are the issues and what changes would be appropriate?
Response	Don't care - adoption is wrong.
Question 47	Are there requirements in the Adoption Act or Adoption Regulations that are out of step with contemporary technology or unduly

	burdensome without providing effective additional safeguards? If yes, what are they and what would provide appropriate alternatives?
Response	Don't care - adoption is wrong.
Question 48	<p>Should there be requirements in the Adoption Act to provide post-adoption support? If yes:</p> <ol style="list-style-type: none"> a. Who should be responsible for providing this support? b. What type of post-adoption support should be provided, and in what circumstances? c. Who should be eligible for it?
Response	<p>YES!!!!!!!!!! I'm almost 50, I've been in therapy for over a decade, antidepressants for the same. I've been part of the Magnetic Brain Stimulation trials. I've suffered alcoholism and drug addiction my whole adult life. Adoption is a TRAUMA people. It is a major developmental trauma with a series of continuing traumas as the child progresses through various developmental milestones. It does permanent damage. It is not called the PRIMAL WOUND for no reason. If you guys are going to do this to people you should at least provide support to help them deal with the damage you're inflicting. There needs to be acknowledgement of all the research and a stop to the buying into of the glamourising of adoption by celebrities who adopt. The ONLY people who think adoption is ok - are those who get babies. It isn't good for the babies, or the mother's left behind. I can't believe we're still even debating this when there is so much evidence. Everyday my life is a struggle because someone decided I should be torn away from my original mother. But I am supposed to get on with it and be cool with it and be grateful. Adoptive parents are seen as being selfless, but they are only filling the hole of their own need to be parents. I'd really love a ferrari, but that doesn't mean I should have one. Not everyone will be nor should be parents, and that's their problem. Don't fix their problem by destroying our lives forever.</p>