

Online submission to the Victorian Law Reform Commission

Adoption Act 1984

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Name	The Australian Adoptee Rights Action Group
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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	Yes. There should be no circumstances permitted where terminology other than "the best interests of the child" could be used. Already the best interests of children are too often conflated with adult interests because children have no voice. What possible argument could be made to do so?

<p>Question 2</p>	<p>Should the Adoption Act provide guidance about how to determine what is in a child's best interests? If yes:</p> <ol style="list-style-type: none"> 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?
<p>Response</p>	<p>This question is extremely important. There is an immense omission in interpretations of the best interests of children and this is because there is no mention of it in legislation and policy. This is the physical, emotional, and psychological needs and desires of a baby to remain with their mother during the "fourth trimester." After birth the mother/infant dyad acts as a single body: The transition that babies make from that extremely comfortable state in the womb, where there's consistent warm water, no hard edges, no hunger or thirst, and constant contact with the living mother over a quiet a long period of time, her heartbeat a constant presence, then through the relentless contractions of labour - ideally ends in the arms of the mother whose face, smell, touch, taste and voice, studies have shown, the baby knows and who is also the mother whose breasts the baby seeks for colostrum for the fundamental foremost-hour feed. A mother's nipples actually smell similar to the placenta and this is what guides the baby by smell towards the breast, the changes made in the colour of the areola during pregnancy, guiding baby by sight.</p> <p>Hearing mother's voice, smelling mother's smell, tasting mothers taste, skin-to-skin contact with mother, and sometimes seeing mother, calms the baby and stimulates the release of the happy hormone oxytocin in both mother and baby.</p> <p>"Mamatoto" is a Swahili word meaning 'motherbaby', reflecting this reality of mother and newborn infant as an interdependent dyad – as a single body.</p> <p>Funnily enough countries that love adoption don't seem to have a similar word. THIS MUST CHANGE in line with modern research and knowledge of the interests of new born babies and it MUST be included in definitions of a child's best interests. Babies are physically CONNECTED – not isolated beings – physically connected to their mother and, via the DNA that makes up their very being, part of their own entire ancestry. And their entire ancestry is an extremely large and important part of them.</p>
<p>Question 3</p>	<p>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?</p>

Response	No. Why should it? The children are already usually placed with people not related to them and go into private homes UNMONITORED and UNPROTECTED by any Duty of Care from government or NGOs (which is why gov and NGOs love adoption so much). Sexual abuse by adoptive parents or siblings occurs without redress - and when adoptees approach the Royal Commission into Child Sex Abuse by Institutions they are told as adoptees there were not in institutions. When the fact is that adoption is still OUT-OF-HOME-CARE as it is not their family's home.
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	Yes of course. It should be legislated. What cruel person thinks that separating siblings of children who are losing their own parents is in any way justified? It should be enshrined in legislation.
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. Lawyers typically search relatives when someone has died: we advertise in the newspapers and use common sense techniques of interviewing people and following up on the things they say about where their relatives may be. These same techniques should be used for children: and why not have a REGISTRY like the Supreme Court has to publish probate notices? All organisations could publish the query on this register. This last suggestion is just a thought that we haven't considered before so we do not know its feasibility.
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 there should be no circumstances. Even in accusations of rape the father should be contacted. It can be up to a court whether or not his consent should be dispensed with or not.
Question 7	Should any changes be made to the current consent provisions? If yes, what changes?
Response	The problem we have today about "INFORMED consent" are the same problems adoption has always had. Mothers are not informed that after birth their brains actually change, their views on everything change. They are not informed on the short and long term impacts of removal on their child: that babies suffer when not placed on the breast of the mother after birth, that babies suffer when removed. Because there are so many people wanting other peoples babies it is too easy to tell a mother that its in the childs best interests to be taken. The psychological and emotional impacts long-term are not told: that premature maternal separation causes pre-verbal trauma that marks people with a sense of loss of self and disconnection from others, feelings of abandonment, worthlessness and grief, can manifest in adulthood as anxiety, depression, rage, mental illness and suicidal ideation.
Question 8	Should any other people be consulted about, or required to consent to an adoption? If so, who?

Response	Grandparents, aunts and uncles. Great-grandparents should be required to consent if they are still alive. Grand-aunts and uncles should be consulted for information about living relatives and people available to care for the child.
Question 9	Are the grounds for dispensing with consent appropriate for adoption in contemporary Victoria? If not, what changes should be made?
Response	We are not familiar with the grounds so we cannot comment on this question.
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	Yes of course. But even more pressing than being able to put conditions on the adoption there should be a system of monitoring of the child's welfare within the adoptive home, acknowledging that this family are not the biological family of the child and the child needs to be protected from legal incest and abuse. More discretion would encourage judges to stipulate that monitoring within the adoption order although we would suggest this is still too discretionary and a proper monitoring system needs to be established.
Question 11	How should adoption law provide for the child's contact with family members other than parents? For example: <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	YES, YES and YES to a., b. and c.
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	Only the priority of INFANT RIGHTS as we mentioned in a question above. Consideration of child rights still neglect the infant during the "fourth trimester." An acknowledgement of the baby's paramount desire to be their birthmother needs to be enshrined in the legal concept of a 'child's best interests' and until this is done the rights of the child and the interests of the next generation of adoptees will continue to be squashed by adult voices declaring their interests as synonymous with the child's. In SWAHILI

	the post-birth mother/infant dyad is called ONE word "mamatoto" to reflect the extreme interdependence of the post-birth mother and baby. We need an acknowledgement of this in Western law. Acknowledgment of the importance of ancestry also needs to be included. People are made from their ancestors DNA and we have no right to declare this unimportant to future generations.
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	YES of course. Adoption disinherits a child for life. It is arguable that disinheritance without consent is a violation of the rights of the child so really there should be no adoption without consent unless you allow retention of inheritance rights as well as assuming enhanced rights within the adoptive family whom you can inherit off anyway as anyone can inherit off those they are dependent on.
Question 14	In what circumstances, if any, should a child have separate legal representation in adoption proceedings?
Response	If a child wants separate legal representation it should be given. Also other members of the extended family should be allowed legal representation in an adoption proceeding if they don't have this already.
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	They should follow the instructions of the child and if they think the child is making a decision against their own best interests then they need to explain why they think that but - like all lawyers – follow the advice of their client after that information has been explained

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	Any person the child requests
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	Of course! Extensive enquiries are reasonable considering that the rate of child removal off indigenous families is extremely high and has risen every year since the National Apology to the Stolen Generations.
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	NO THERE SHOULD BE NO DIFFERENCE. Pro Goward introduced changes in NSW along racial/cultural lines and we consider this racist. ALL adoptions should give extensive consideration to a child's connections with their mother, their families, their heritage and their culture and language.
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	What is wrong with guardianship orders? Why should relative have to adopt their own relative when they are already related? But the answer to this question is YES OF COURSE - kin should be able to adopt before friends or strangers are considered.
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	YES OF COURSE - but this should be the same with all children. Isn't that obvious?
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	NO. Laws like this along racial/cultural divides are racist. All children want the same connection with their mother, parents, family and culture.
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	ALL PARENTS should have this ability to put conditions on the adoption. Why this persistence in assuming that non-indigenous children are somehow more easily accepting of adoption?

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	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.
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	<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	<p>a. Yes b. Yes</p> <p>We only argue yes to this question on the assumption that a child may be less likely the subject of abuse from a single person if there is a second person caring for the child but we don't know if there is any basis in this assumption.</p>
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	<p>a. Yes this requirement is consistent with the best interests of the child. B. We don't see need for an amendment here.</p>
Question 25	<p>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?</p>
Response	<p>YES IT IS. By far the greatest perpetrators of sex abuse are males. In what fantasy world to people live in that they think that placing children into the houses of unrelated men where they will not be monitored does not increase their risk of child sexual abuse. Sorry if this is personally offensive to anyone but statistics do show that men who are not related are the greatest perpetrators of child abuse within families</p>
Question 26	<p>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?</p>
Response	<p>This is a question about inheritance because otherwise why do you need to adopt people you are already related too? Parenting orders should always be preferred because there don't disinherit the child and the child can still inherit off their career because they have been dependant on them.</p>
Question 27	<p>Are the suitability criteria in the Adoption Regulations appropriate? Should any criteria be added, removed or changed?</p>
Response	<p>You cannot vet people for paedophilia or for future alcoholism or other things that have not appeared on a criminal record. Placing people in the unmonitored homes of private individuals is a really bad idea so changing</p>

	the criteria isn't going to do much although we don't know the criteria so can't answer for certain.
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	We are not aware of the requirements so cannot comment
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	We are not aware of the steps so cannot comment
Question 30	Could any other improvements be made to the assessment process? If yes, what improvements could be made?
Response	We are not aware of the assessment process so cannot comment.
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	We are not aware of the process so cannot comment.
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	Yes its appropriate. Birth parents should be able to express wishes about ANYTHING to do with the adoption of their child. Isn this obvious?

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	Yes all relatives should have rights to adoption information. Even friends and concerned individuals should have rights to it if they can make a case for it.
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	One problem is its extremely slow to get information. And costly.
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	There should be no limitations on the rights to adoptee to information concerning themselves, their parentage and the circumstances of their

	adoption. No limitations at all. Just because a child GROWS UP doest mean their interests that were paramount when they were too little to be able to speak should be DILUTED amongst a "range of stakeholder interests" just because they are older. Adoptees STILL do not generally consent to adoptions which means all adoptions are forced adoptions on adoptees. So their interests should be paramount as children AND as adults.
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	As we said above: Just because a child GROWS UP doest mean their interests that were paramount when they were too little to be able to speak should be DILUTED amongst a "range of stakeholder interests" just because they are older. Adoptees STILL do not generally consent to adoptions which means all adoptions are forced adoptions on adoptees. So their interests should be paramount as children AND as adults.
Question 37	What factors should be taken into account in deciding to release identifying information about a person?
Response	None. They should have a right to all information regarding themselves. It is absolutely disgusting that a State agency would pick and choose which part of someones personal information they will provide to them.
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	We are not aware of the provisions so cannot comment.
Question 39	How should an adopted person's identity be reflected on the person's birth certificate?
Response	ADOPTED PEOPLE should have their TRUE BIRTH CERTIFICATE. An ORDER OF ADOPTION is adequate to show the adoption order. The ORDER OF ADOPTION can be shown to institutions to PROVE NAME CHANGE and parentage just like a marriage certificate can be used. WHY on earth are we retaining the faking of birth certificates when the only reason they were brought in was to HIDE your illegitimacy? This is extremely old-fashioned. ADOPTEE PRIDE dictates that we no longer have to hide our adoptive status. If some people want an integrated BC then that should be an option as donor-conceived people are having terrible problems with this same issue and in fact cannot even rebut paternity on their BC when they can prove their father is a donor!
Question 40	If a different form of birth certificate were available to adopted people, what legal status should it have?
Response	BIRTH CERT should record the BIRTH MOTHER and bio father (if possible). An Order of Adoption can serve to prove name change. If adoptees want an integrated BC then that should be available to replace their original but this would only be done with consent when they are old enough to ask for it.

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	WHY CANT WE USE AN ORDER OF ADOPTION - most adopting parents aren't even around at the birth???? Why are we still faking BC? Integrating of birth certificates should be available on request if an adoptee is old enough to ask but one does wonder how it would be accepted as a form of identity by organisations. SO WHY HAVE A REPLACEMENT FAKE BC AT all? Scotland used an Order of Adoption so why can't we?
Question 42	Is changing a child's given names consistent with the best interests of the child?
Response	NO DEFINITELY NOT. ITs just to "pretend" the child was "born to" the adoptive parents as is a remnant of adoption to hide illiegitimacy.
Question 43	In what circumstances (if any) should the Adoption Act allow a child's given names to be changed?
Response	Never or upon request by the child only.

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	Yes what exactly IS the main objective of disinheriting a child, giving them a fake birth certificate and then not allowing them to discharge their adoption when an adult??? Adoption as it stands today is a 20th century invention to solve problem of unwed mothers. It is not longer relevant in a child protection context. It needs drastic reforms and the right of the adoptee re-instated. Good luck with identifying adoptions may objectives as it seems to be used more as a child protection measure or something to save orphans with. Though why disinheritance, fake BCs and being "trapped" for life, and total severance of all rights to family is good child protection or saving of orphans is beyond us.
Question 45	Should the Adoption Act include general principles to guide the exercise of power? If yes, what should these principles be?
Response	we don't know
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	NEVER SAY "TOUCHED" by adoption. this is highly offensive to adoptees and is mentioned in the terms of reference or other paper you provided. no one is just "touched" by adoption
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	We think you should be asking which technologies are out of step with the wellbeing of ancient biological systems called "babies" and "mothers bodies" and be making laws to outlaw the violations of those biological systems so intrinsic to the wellbeing of human beings
Question 48	Should there be requirements in the Adoption Act to provide post-adoption support? If yes: <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	CHILDREN should be monitored in the homes of strangers. They are more likely to be abused and sexually abused when places with people who are not related to them.