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To Whom It May Concern:

I am an adoptee from the Closed and Forced Adoption era, and as a member of Association for Adoptees Inc I participate in the Post-Adoption Stakeholders Group working with Adoption Services.

The trauma that has resulted from the Closed and Forced Adoption era is life-long for all parties involved. Adoption at its foundation is based on loss:

- a mother and father (and extended family) loses a child to adoption;
- a child loses their identity, their mother, father, siblings, extended family and genetic heritage;
- an adopting couple having experienced infertility, maybe miscarriage, and have lost hope of having a child of their own.

These losses lead to grief, trauma, guilt and shame. They manifest in many ways across the lifespan of all persons involved in adoption including issues around identity, fear of intimacy and trusting others, a fear of abandonment and rejection, and issues around having no control over their lives.

*Please refer to Footnote 1.*

We must learn from the mistakes of the past and continually strive to provide better outcomes in the lives of the most vulnerable members of our community.

I wish to make the following submission with regard to the *Adoption and Other Legislation Amendment Bill 2016*:

**Eligibility to make an expression of interest**

I support the move to broaden the range of people who are eligible to go onto the Expression of Interest register to be assessed as Suitable Adoptive Parents, as a means of removing discrimination.

As an adoption must be in the best interest of the child, this can potentially provide a greater cross section of the community to be considered as a match to what will best meet the needs of a child requiring adoption. However, it is important to note that adoption is not, and should not be viewed as, an avenue to meet the desire of childless couples to become parents. The best interests of the child should at all times, and in all ways, be the only consideration, despite the sometimes very loud voices of the “rich and famous” in the pro-adoption sector.

*The United Nations Convention on the Rights of the Child* states:

**Article 3**

1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

To this end it is also my opinion that adoption should not be the default position of government for children who require out of home care. Research shows that the best outcome for the child is to be with their family, however there are many reasons why parents can't care for their children. Early intervention to support families to stay together must be the goal of government departments and agencies tasked with the responsibility for child safety.

The next best option is for Kinship Care, that is the child is cared for within their family group (grandparents, aunts/uncles) to retain their links to their family and heritage.

If this is not possible, and out-of-home care with strangers is the only option, then a model of Permanent Guardianship is preferred over adoption. This model allows for the child to retain their identity (their name is not changed) and they retain their legal connections to their family and genetic heritage; while being placed in a permanent, loving, nurturing and stable home where the child is considered as a member of their family. In this way the child's welfare is paramount and their personal history is transparent. It is possible to have both, successfully.

The recent enquiry by the South Australian Government into their Child Protection System report backs this by saying: *"is not persuaded that an increased emphasis on making children in care available for adoption is necessarily appropriate, when fundamental considerations of the child's best interests are brought into account."*

*Please refer to Footnote 2.*

**Contact statements**

I support the removal of the offence and associated penalty for a breach of a contact statement for adoptions that occurred before June 1991.

I also support retaining contact statements as a means for people to express if and how they wish to be contacted.

The desire to know who we are, who our clan is, and where we come from is a fundamental part of being human. The rapid rise and success of websites such as [www.ancestry.com](http://www.ancestry.com) is testament to this. The desire to search for and connect to our ancestry and heritage is no less strong in adoptees or birth families than in the non-adoption affected population, in fact I believe it is stronger and more meaningful.

*Please refer to the Australian Institute of Family Studies report by Rhys Price-Robertson in Footnote 3.*

The stress and trauma around searching for biological family places enough strain on an adopted person or birth parent, to have a penalty or term of imprisonment as punishment only adds to the trauma and distress.

Recommended in the Senate Community Affairs References Committee report, *Commonwealth Contribution to Former Forced Adoption Policies and Practices*.

**Recommendation 15**

12.104 The committee recommends that the Community and Disability Services Ministers Conference agree on, and implement in their jurisdictions, new principles to govern post-adoption information and contact for pre-reform era adoptions, and that these principles include that:

- All adult parties to an adoption be permitted identifying information;
- All parties have an ability to regulate contact, but that there be an upper limit on how long restrictions on contact can be in place without renewal; and

- All jurisdictions provide an information and mediation service to assist parties to adoption who are seeking information and contact.

*Please refer to Footnote 4.*

### **Access to information**

I support the extension of the definition of relative.

As many adoptees of the Closed and Forced Adoption era are now parents and grandparents themselves, it is important that the legislation reflects this by allowing access to adoption information should the adopted person or birth parent be deceased, cannot be located after reasonable enquiries, or if they do not have the capacity to give consent to the release of the information.

### **Information about a birth “father”**

I support the provision of information to the adopted person of the information shown in the adoption records of the identity of the person named as the adopted person’s birth father, including the notice that this information is not confirmed.

Recommended in the Senate Community Affairs References Committee report, *Commonwealth Contribution to Former Forced Adoption Policies and Practices*.

#### **Recommendation 14**

12.36 The committee recommends that:

- All jurisdictions adopt a process for allowing the names of fathers to be added to original birth certificates of children who were subsequently adopted and for whom fathers' identities were not originally recorded; and
- Provided that any prescribed conditions are met, the process be administrative and not require an order of a court.

*Please refer to Footnote 4.*

### **Discretion in exceptional circumstances**

I support the Bill to provide for an adult relative to give consent to provide pre-adoption information on behalf of a person who cannot be located after all reasonable enquiries have been made, or if the person whose consent is required has died or does not have capacity to consent; and for the chief executive to consider that consent to access information is not required in exceptional circumstances, which may include where the person and all adult relatives are deceased.

### **Retaining name and identity**

*The United National Convention on the Rights of the Child states:*

#### **Article 8**

1. States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without lawful interference.

It is quite commonplace in society today for members of a family group residing at the same address to have different surnames. As such there is no “need” to change a child’s name to protect them from “illegitimacy” when they are adopted. I call for children being placed for adoption to retain both their first and surnames.

Nor is it reasonable to replace a child’s birth certificate with a fabricated birth certificate showing the adoptive parents names in place of the birth parents names, as if the child were born to the adoptive parents. I call for the re-instatement of all original birth certificates for adoptees, and for an “Order of Adoption” to be issued in its place for the purposes of official identification. In this respect it would be used like a woman uses her marriage certificate to prove her change of name. In the case of adoption it would show the change of legal guardianship of the child.

Recommended in the Senate Community Affairs References Committee report, *Commonwealth Contribution to Former Forced Adoption Policies and Practices*.

Recommendation 13

12.33 The committee recommends that:

- all jurisdictions adopt integrated birth certificates, that these be issued to eligible people upon request, and that they be legal proof of identity of equal status to other birth certificates, and
- jurisdictions investigate harmonisation of births, deaths and marriages register access and the facilitation of a single national access point to those registers.

*Please refer to Footnote 4.*

**Contact during interim orders**

I support contact by the birth parents with the child and the prospective adoptive parents, with the provision of an adoption plan, and only if it is in the best interests of the child.

**Review of the act in five years time**

I support a further review of the operation of the *Adoption Act 2009* in five years time.

There are several issues that I wish to table that may fall under this next review:

- Birth certificates:
  - Preferred option is to reinstate original birth certificates of adoptees showing their name at birth and the names of their birth parents, and issue an Order of Adoption to show change in guardianship, and hence identity.
  - Second preference is for all adoptees to be issued with integrated birth certificates showing both pre- and -post adoption information.
- Discharge of adoptions:
  - Legal, financial and mental health support for adoptees wishing to discharge their adoptions.
  - Note that the vast majority of adoptions were done *without the consent of the child*. The current requirements for discharge of adoption are excessively onerous upon an adoptee and have the effect of entrapping them in a legal relationship which many do not desire.
- A ban on advertising children for adoption:
  - A child is not a commodity. While it is not the practice of the Queensland government to advertise children on the internet for adoption, other Australian states allow agencies to undertake this practice. I call for a ban on advertising children for adoption to be legislated so that it can never happen in Queensland.
- Additional support for birth families after placing a child for adoption:
  - The provision of counselling and other supports for birth families, including grief and loss counselling and support to maintain contact with their child under the adoption plan.
- Ongoing regulated outreach with the adopted family until a child turns 18 years old:
  - Currently the family has post placement support and reports for the first 12 months of an adoption. I call for this to be extended until a child turns 18 years old.
  - Many adoptees report being abused in their adoptive home. Circumstances can change greatly from one year to the next within families including divorce, major illnesses or injuries, death of one or both adoptive parents, unemployment, financial strain and more. I call for a review and report at least once per year to ensure that the best interests of the child continue to be met.

Thank you for taking the time to consider my submission. Please contact me if you have any questions about my comments.

Yours sincerely

Judith Glover  
Adoptee

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## FOOTNOTES:

### 1. Lifelong Issues in Adoption

[www.jigsawqueensland.com/lifelong-issues-in-adoption](http://www.jigsawqueensland.com/lifelong-issues-in-adoption)

Deborah N. Silverstein & Sharon Kaplan

First published in *Working With Older Adoptees: A Source Book of Innovative Models*.

Edited by Coleman, Tilbor, Hornby and Boggis.

### 2. Government of South Australia

*Child Protection Systems Royal Commission Report*

*Volume 1: Summary and Report*

*August 2016*

### ADOPTION AND OTHER PERSON GUARDIANSHIP

Stability of care relationships for children is an important precondition to their development. Adoption is one way of securing that stability. Some members of the community hold the view that adoption of children from care solves the problem of the shortage of suitable home-based placements. However, the Commission is not persuaded that an increased emphasis on making children in care available for adoption is necessarily appropriate, when fundamental considerations of the child's best interests are brought into account. That is not to exclude the possibility of adoption of children in care when it is genuinely in their best interests. However, children can gain additional feelings of security within a loving family through Other Person Guardianship where guardianship responsibilities and powers are shifted in certain circumstances from the Minister to the carer of the child under the Children's Protection Act. It can bring a greater sense of stability, certainty and normalcy to a child's life, including placing important decision making in the hands of the adults who know the child best. Other Person Guardianship has been under-used in South Australia. The Agency has retained decision-making powers over many children in situations in which, for all intents and purposes, they are a settled part of a new family. In 2014/15 South Australia had the lowest rate of Other Person Guardianship carers of any state in Australia. The focus on Other Person Guardianship should be renewed. The Commission recommends a new procedure to facilitate such applications being made by foster parents—an independent expert panel established to enable foster parents and relative carers to apply for an official assessment of their suitability and timely consideration of such applications. The Children's Protection Act should be amended to limit the ability of a child's birth parents to oppose the making of an Other Person Guardianship order if the court is satisfied that such an order is in the best interests of the child.

### 3. Australian Institute of Families Studies

<https://aifs.gov.au/publications/families-policy-and-law/3-ancestry-identity-and-meaning-importance-biological-ties>

3. Ancestry, identity and meaning: The importance of biological ties in contemporary society

*By Rhys Price-Robertson*

### Personal creation stories

One result of the fact that the body has become a more central focus of identity is that physicality now also tends to be dominant in those wide-reaching narratives that people use to ground their lives in a broader, meaning-providing context. In many traditional cultures, a sense of continuity and meaning was provided through connection with ancestors, it is true, but it was also provided through stories of the non-physical or spiritual: through belief in realms or states that exist after death, or in the idea that one's soul or karmic force continues through a series of incarnations. In the post-traditional order, secular and materialistic understandings of the self overshadow the influence of spiritual beliefs. The propensity to position one's own life stories within a broader narrative framework has, for many, found a new avenue of expression: through stories that involve them in a corporeal lineage, that see them as a link in a chain of bodies that extends into the distant past and will continue to exist in perpetuity.

Although research with adoptees, foster children and donor-conceived people has consistently identified a sense of "genealogical bewilderment", or identity confusion, among those who do not know their biological parent(s) (Kirkman, 2004; Turner & Coyle, 2000), this research tends to focus on facets of identity such as self-esteem or a sense of belonging, rather than on the broader sense of narrative meaning described in this chapter.<sup>5</sup> Exceptions include March's (1995) study with adoptees, in which interviewees "lacked the biological kinship ties used to establish generational continuity" (p. 657), and Turner and Coyle's (2000) work with donor-conceived people, where the authors identified a feeling of "genetic discontinuity", and argued that those raised without knowledge of their biological parents should be provided with "a forum within which their particular need to construct a past and be understood within a genetic context can be met" (p. 2042).

There are, however, more oblique forms of evidence that can be seen to support my argument. For instance, consider the massive rise in popularity of genealogy. Although interest in ancestry dates back centuries, it was traditionally the preserve of the aristocratic classes, not the popular pursuit seen today (Zerubavel, 2012). Today, websites such as Ancestry.com and FamilySearch.org are hugely successful, each with millions of paying subscribers. Indeed, Wells (2006) observed that genealogy is "the second most popular American hobby after gardening (and the second most visited category of Web sites after pornography)" (p. 11). Finkler (2001) convincingly argued that "the ideology of genetic inheritance promises contemporary humans immortality within the flux of the postmodern world" (p. 248) as the "individual exists in a transient world but is fastened biologically to the past and future" (pp. 248-249). However, it is important to also note that those conducting genealogical investigations are seldom simply searching for the names of their ancestors or genetic information (Mason, 2008). Rather, they are (or are also) looking for the stories of their ancestors; stories that then become the various threads of broader genealogical tapestries. Identifying with the stories and circumstances of one's ancestors can promote "an almost interpersonal sense of the past ... a way of experiencing even distant historical events quasi-autobiographically" (Zerubavel, 2012, p. 21). What is this if not an attempt to create a narrative that provides a broader context for one's own existence?

Consider also the fact that many adoptees and children of anonymous gamete donors go to great lengths to identify and learn about their biological parents (Kenny, Higgins, Soloff, & Sweid, 2012; Kirkman, 2004). But why should this be so? Levy and Lotz (2005) claimed that their desire to locate their biological parents was simply a symptom of the misguided emphasis placed on genetics in contemporary society. While it is true that some adoptees and children of anonymous gamete donors search out their biological parents solely for genetic information, for many others such information is a secondary concern, or even of no concern at all (Kirkman, 2004). In an effective attempt to counter the arguments of authors such as Levy and Lotz, Laing (2006) offered the following thought experiment:

Imagine an adult adopted as a child who is seeking out his father. Suppose he discovers there is a match for paternity with X. He is elated but soon discovers that X is not his father but the twin of his father, Y. The discovery that X is not his father at all, but his uncle, will be a matter of great significance even though the DNA for both X and Y might be the same (p. 549).

This example demonstrates that the valuing of biological ties cannot simply be attributed to a desire for genetic information (because for almost all intents and purposes, the uncle is as biologically similar to the adopted child as the father). This example suggests that most people would prefer to meet X over Y because what they are actually searching for is a story - a personal creation story, if you like. What was my father like? What were the conditions that led him to make his reproductive decisions? How does he feel about me? Yes, these are "questions that matter culturally" (Haslanger, 2009, p. 113) and so can be a cause for stigma if they remained unanswered, but in societies in which diverse family forms are increasingly common, this explanation seems unable to fully account for the intensity with which many conduct searches for their kin. It seems likely that these questions are also important because they speak directly to the decisions and conditions that led to one's very existence, and not knowing their answers leaves a lacuna right at the closest link of a chain that could connect one - in a meaning-providing way - to one's forebears.

#### **4. The Senate**

Community Affairs References Committee report

Commonwealth Contribution to Former Forced Adoption Policies and Practices.

[http://www.aph.gov.au/Parliamentary\\_Business/Committees/Senate/Community\\_Affairs/Completed\\_inquiries/2010-13/commcontribformerforcedadoption/report/index](http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Community_Affairs/Completed_inquiries/2010-13/commcontribformerforcedadoption/report/index)