ADOPTION 3

SUBMISSION 2 - ADOPTION ACT 2009 REVIEW - OCTOBER 2016

I am a parent of children both biological, and adopted through legal, confidential process. The adopted members have experienced contact with birth family - one from a third party – identifying information having been provided by the Department in each case.
From the time the 1990/91 Adoption legislation was being introduced I, with many other families of the mainstream adoption community, became a member (and later an executive member) of pro-adoption groups. During that period I attended - as did many
hundreds of others of the adoption community - Adoption Conferences which were held in different State Capital cities throughout Australia every 2 years or so, from the 1990's through 2000's.
I am also well-acquainted with affected individuals at all levels of the adoption spectrum.

I have read your Report compiled from the consultation process already undertaken, the legislative changes proposed, and note your statement:

"The primary objective of the Bill is to ensure the Act provides a contemporary and flexible legal framework for adoption in Queensland. The Bill is consistent with modern community expectations and legislation in other Australian states and territories, providing for open and transparent adoption practice.".

But what of the best interest of the child being paramount? In fact the child does not rate a mention - because the child's best interest is not paramount. This Review, and this proposed legislation, is about the Death of Adoption in its true sense – which was foreseen in the Rosenwald/Carroll (acFa) paper presented at the ACWA Conference, Sydney 2004. It stated:

".Both enacted and proposed legislation is veering away from the best interests of the child as the prime consideration and more and more consideration is being given to the "rights" to influence the adoption process which adults are demanding e.g. anonymous birth fathers; extended birth families; single people and same sex couples; with little or no concern that this might not be in the best interest of the children.
This in itself is a form of child abuse."

So this proposed legislation is broadening the eligibility criteria, to meet whose needs - or wants?
A number of studies supporting the no-difference consensus of same-sex parenting, when reviewed, were found to be methodologically flawed, based on subjective perceptions and inconclusive. In 2015, one of the largest studies of same-sex parenting, undertaken by Paul Scullins and published in the British Journal of Education, Society and Behavioural Science, found a significant increase in serious emotional problems in children of same-sex couples.
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In my earlier submission on this issue, regarding fairness of the eligibility criteria provisions of the Act which presently excludes adoption by homosexual couples - I queried **h**ow many couples who meet the current criteria are on the present list of prospective adoptive parents? How many people are on the list? Has the list been consistently maintained? I understood that it had been discontinued. at one time.
These are relevant questions. And is it correct that where a long-term guardian has been caring for a child for least one year, that he/she can automatically be added to the Expression of Interest to adopt register?

Over the 5 year period of this Review, only 170 children have been adopted, and no detail is provided of what category – local, familial? How many were 'not known' adoptions? When I met with several senior staff of the Department in late 2012, the anti-adoption culture was very obvious, and could explain why there have been so few adoptions here. An enormous body of research over decades proves the optimum environment for raising a child is by a mother and a father. Australia is a signatory to the UN Convention on the rights of the Child, which states the best interest of the child is paramount. Taking all these factors into account, if there are no babies for already eligible prospective adopting couples, what is the point of broadening the criteria? It is imperative that we do not allow pre-occupation with individual rights, wants and perceived needs of adults to circumvent good public policy. Adults vote, of course. Children can't.

The Australian Institute of Health and Welfare states there are 2978 Contact statements in place in Queensland as of 30 June 2015.. Of these 1708 contact statements were put in place by adoptees and 1249 by birth mothers.. Birth fathers have lodged 11 contact statements. The overall number has reduced by 19 contact statements since the previous year.

A very serious concern for me is the cavalier way those almost 3000 people who have lodged their Contact wishes are being dealt with under this proposed legislation. The penalty currently in place has never been implemented, in spite of really devastating breaches – but the fact a penalty could apply may possibly have had some deterrent effect. But now, it is proposed to remove the penalty, and actually totally disregard these written directions re contact, and for the Department to give out that information about those almost 3000 people – adopted people and birth mothers – and explain their wishes! Our pro-adoption group received the confidences of birth mothers who came to the decision to surrender their child, made a happy life and family, kept their own counsel, and lived in fear after the 1990/91 Act. Total disregard of privacy concerns generally has prevailed for years anyway, but there will be no safeguard of any kind if this is implemented.
It would be interesting to know how many people sought information about their biological connections, but did not search.

Why change the language which identifies our sexual identity? Subsection (1) is amended to remove reference to "his or her" and "a woman" to remove gender specific language.

Surely this is nonsense! Where is the community calling for this? It may not be trendy but the majority of us are male or female.. And only 'a woman' can bear a child – our future. Our

language, and usage of it, should reflect this fact and politically correct pronouns tend to distort our rules for grammar.
Do we really wish to see 'Parent 1' and 'Parent 2' on our children's Birth Register??

I look back with great joy to when my children were babies, and processes were as simple as possible. I know the best interest of the children really was paramount then – and I believe that is no longer the case. There was minimal intrusion by Government into family life, in whatever guise . It was accepted that biological parents don't necessarily know any better than adoptive parents how to love, care for, and rear a child. That biology is NOT always best.

One in three families then could be characterised as an adoptive family – taking the extended family into account. There is no evidentiary basis to conclude that these families are anything but healthy and happy, made up of well-adjusted citizens. In fact , they are just other members of community – not stigmatized, not regarded as 'different'. That was the contribution of legal adoption to the emotional and social well-being of children otherwise at risk – and there is still a place for it in today's society, even if retained simply as an option for some.

Under current adoption process, those wonderful bonding years of babyhood are lost to the new family. Everyone who is remotely associated with the development of children is aware of the importance of the attachment process and the awful consequences when bonding is ruptured again and again and again. Is it any wonder we are breeding an underclass of children who have no family attachments?

While guardianship and fostering have a place the constant element seems to be that the child remains under State control, and the biological parents have a right to challenge the arrangement at any time. " Not a recipe for permanency, stability, emotional well-being.
From my perspective, that is the scenario I see from these proposed legislative changes, and the original Act. An industry, with many jobs, has grown from this policy framework….and a huge invasion of family life.

Finally, the claim is that the Bill is generally consistent with fundamental legislative principles. Potential breaches of fundamental legislative principles are addressed below.

Legislation should have sufficient regard to rights and liberties of individuals – Legislative Standards Act, section 4(2)(a).
Really!

Mrs) Bridget McCullagh 4.th October 2016
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