

01/08/2020

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Child Protection and Other Legislation Amendment Bill 2020

In view of the recent push to increase the number of and ease of creating adoptions by self-interested lobby groups, I wish to record my disgust, dismay and distress that after assurances by the Minister for Child Safety, Youth and Women that “Not on my watch” would adoption be the department’s ‘go to’ solution to children in need of out of home care we are once again looking at increasing adoptions. Now, once again, adoption is being pushed as the panacea for children in need of out of home care.

Mason Jet Lee wasn’t even in out of home care, yet I understand that he certainly was flagged as being “at risk”. Does this mean that more adoptees are to be created because someone didn’t do their job?

What about the adoptees who have suffered in silence and even died due to adoption? What about the mental health pain and suffering of already created adoptees? I’ve talked to many adoptees who say that there is no proper help and assistance for them, and that they cannot access appropriate trauma counsellors that understand adoption trauma (despite the assistance that the department claims to provide). With very few appropriately trained adoption competent counsellors or therapists available who comprehend adoption trauma, adoptees have no way of undoing the harm of adoption to become fully functional human beings.

NO adoptee has received any apology for abuses and mistreatment suffered within the homes where they were sent. Adoptees want a public apology for the abuses that they suffered at the hands of abusive adoptive parents, and I fully support that. They are upset and angry at the call for more adoption. Adoption is not the answer and we all know it.

First and foremost, we should be listening to adoptees and learn why the hurt is there so we can try and do better by our children. Who knows first hand the effects of adoption? How many adoptees have been consulted on creating new legislation around adoption? If none, why not? I have an infinite list of adoptees and mothers who would be more than willing to speak with anyone who will listen. But that seems to be the ultimate problem ... no one wants to hear from those who have already lived this traumatic experience. Instead of offering assistance to the last round of traumatised adoptees and mothers, you are blindly moving forward and creating more.

Where is the help and assistance to undo adoptions that were illegal and unethical in the first place which was proven in our Senate Inquiry? When will it be made easier for adoptees to undo their adoption when it goes wrong? It's a contract they never personally entered into. It was made on their behalf without their consent. No one ever explained the terms & conditions to them, therefore it shouldn't apply once they turn 18, or if they're being abused before then. It's easier to get out of an abusive marriage. It's next to impossible to get out of an abusive or unwanted adoption ... IF you are the adoptee. Adoptees are forced to beg to be in control of their own lives, and even as an adult (into old age) are required to have their adoptive parent’s permission to Discharge their own adoption. Adoptors can rehome them, but they're not free to rehome themselves - even when they have a

parent who wants them back. If they can't get out, and the adoptors have ownership papers, it's basically slavery. Adoption is NOT about creating families. First it is about destroying families.

Further evidence that adoption is not really about the adoptee ... it's all done according to what adopters want. The adults who are doing it for the right reasons will not insist upon ownership of a child in order to love and care for them. This would be an excellent screening tool to filter out the applicants who should not be adopting at all. It is well known in adoption circles that many infertile adoptors have NOT dealt with their infertility issues, and the very act of "owning" a child seems to bring out the Narcissistic personality types. This is NOT a healthy choice of parent for already traumatised children.

Our widely held views of adoption have been formed by professionals and by the adults who adopted the children ... not by the children, or by the mothers who lost their children to the practice. Let adoptees form legislation. You cannot possibly understand what adoption, loss of identity, loss of family and grief does, unless you've been there yourself. Adoption is a permanent solution to what is often a temporary problem. Subsidised or free adoption competent counselling needs to be offered to ANYONE in the adoption triad until it is no longer required. Changing an adoptees name, issuing a "legal" lie of a new birth certificate saying that the adoptive mother birthed the child, denying biological family – all needs to stop. It is psychologically traumatising. Adoption is NOT an answer to infertility. That is an intense burden to place on an innocent baby. If adoption is implemented because out of home care really IS needed, then at age 18 (when that care is no longer needed) the adoptee should have the right to finally control their own life. They should not have to prove anything, beg their adoptive parents, or apply to a court to have their life back. Money being thrown at adoption should be channeled into keeping families together, not splitting them asunder.

Our own state apology held in 2012 when the Liberal party was in power refused to apologise to abused adoptees. Minister Tracey Davis was head of the department at the time and Campbell Newman was Premier. They refused to address the crimes committed against adoptees within the homes where they were sent. Why? Adoptees rightly speak of adoption as child trafficking with no checks and balances.

It's common knowledge within adoptee communities, and indicated by the very few studies that exist, that adopted people are more likely to suffer high levels of emotional distress, mental health issues, drug and alcohol abuse, homelessness, imprisonment, loneliness and despair, and have a higher risk of suicide and attempted suicide than non-adoptees. Relinquishing mothers 'suffer chronic bereavement for the rest of their lives.' Before creating even more adoptees, we should be looking at ways to help our adoptees that were created during the Baby Scoop Era and work forward from there. These adoptees NEED someone to care.

The premise of the UN Convention on the Rights of the Child (of which Australia ratified) is that adults should meet the needs of children, not the other way around. Adoptees ask important questions, such as: if we really want to help children, why aren't we supporting the child's mother, or her community, to raise her child? #8 is of particular interest.

There is absolutely no need for a child to lose their identity and kin in exchange for out-of-home care. Why can't a child be cared for and loved without 'owning' the child? Until adoption is replaced with Permanent Guardianship, Simple Adoption or Stewardship (the alternative to adoption if adoption must happen at all) I cannot support anything that promotes more adoptions. Any adoption (IMO) should be genuinely "needed", without the loss of identity (ie: no altered birth certificate or name change), and as much as can be managed keeping the safety of the child in mind, no loss of first family. The needs of the baby/child (not the adoptors) should be of paramount importance ... IF adoption really IS about the child.

I'd like to bring your attention to 11 specific standards expected for children in Foster Care from your own legislation - Queensland Child Protection Act 1999 Chapter 4, Part 1, Section 122 - Statement of standards

(1) The chief executive must take reasonable steps to ensure a child placed in care under section 82(1) is cared for in a way that meets the following standards (the statement of standards)—

- (a) the child's dignity and rights will be respected at all times;*
- (b) the child's needs for physical care will be met, including adequate food, clothing and shelter;*
- (c) the child will receive emotional care that allows him or her to experience being cared about and valued and that contributes to the child's positive self-regard;*
- (d) the child's needs relating to his or her culture and ethnic grouping will be met;*
- (e) the child's material needs relating to his or her schooling, physical and mental stimulation, recreation and general living will be met;*
- (f) the child will receive education, training or employment opportunities relevant to the child's age and ability;*
- (g) the child will receive positive guidance when necessary to help him or her to change inappropriate behaviour;*
- (h) the child will receive dental, medical and therapeutic services necessary to meet his or her needs;*
- (i) the child will be given the opportunity to participate in positive social and recreational activities appropriate to his or her developmental level and age;*
- (j) the child will be encouraged to maintain family and other significant personal relationships;*
- (k) if the child has a disability—the child will receive care and help appropriate to the child's special needs.*

There are ZERO expected standards for children in Adoptive Care ... and no one to check anyhow.

I also refer to the Queensland Government's Charter of Rights for Children in Care ...

Every child subject to a child protection order must be informed of the Charter of Rights.

A child in care has the right to:

- a safe and stable living environment*
- be placed in care that best meets their needs and is most culturally appropriate*
- maintain relationships with their family and community*
- be consulted and take part in the decision making affecting their life, particularly decisions about where they live, their health and schooling, and contact with their family**
- information about decisions and plans concerning their future and personal history**
- privacy (for example, their personal information)*

- regular review of their care arrangements, if they are under the long-term guardianship of the chief executive
- access dental, medical and therapeutic services as needed
- education
- job-training opportunities
- help with finding appropriate employment
- support with the transition from care to independence (for example, finding accommodation, access to income support, training and education).

**Depending on the child's age and ability to understand.*

An adopted child has NONE of these rights, and no one checking anyhow.

I also draw your attention to your own information ...

Foster and kinship carers' responsibilities to children and young

The responsibilities of foster and kinship carers to the child or young person in their care are:

- *to provide a safe, caring and predictable environment, where they model appropriate positive behaviour, and encourage and support positive relationships between the child or young person and the members of their family*
- *to encourage ongoing relationships with the child or young person's own family in a way that is safe and non-threatening and consistent with the current case plan*
- *to assist and support the child or young person in accordance with the Statement of Standards*
- *to maintain confidentiality about the child or young person, their family and their circumstances*
- *to advocate on behalf of the child or young person for the resources and services required to ensure their full potential is reached*
- *to support and encourage the participation of the child or young person in the development of the placement agreement, the case plan and in the ongoing decisions that affect their life*
- *to ensure, with support, the appropriate discipline of the child or young person using methods approved by the department*
- *to keep documents and other records belonging to the child or young person safe at all times*
- *to work with Child Safety to maximise support for the child or young person during the planned conclusion or change of a placement, in a way that is least detrimental to the child or young person*
- *to encourage and support children and young people in care to participate in activities that enhance their self-esteem and general wellbeing*
- *to ensure that the child's cultural needs, cultural identity and connectedness are respected and encouraged.*

Adoptees are afforded NONE of this, and no one checking anyhow.

Many issues of concern were raised about adoption itself during the Inquiry into the Commonwealth Contribution to Former Forced Adoption Policies and Practices (2012) and since, but there has never been a comprehensive examination of adoption or the experiences and outcomes of adoptees. Shouldn't this happen before creating any more adoptees? Adoptees were even excluded from the Royal Commission into Institutional Child Sexual Abuse. Why?

The complexity in adoption practice and policy for the Aboriginal and Torres Strait Islander community is recognised in legislation and policy as it should be, but given that Australia is a diverse multicultural country, it is time that we acknowledge that **ALL** children have powerful familial links to their mothers, kin, identity and culture.

In the final report of the Commonwealth Government's Forced Adoptions Implementation Working Group to the Hon Scott Morrison MP Minister for Social Services December 2014, it makes recommendations on the implementation of the recommendations contained in the Senate Report *Commonwealth Contribution to Former Forced Adoption Policies and Practices* tabled on 29 February 2012 and the former Government's formal response to that report tabled on 21 March 2013. The final report also makes recommendations with regard to policies in the areas of domestic and inter-country adoption and surrogacy. Note how many of the Recommendations have been carried out to date eight years later.

No-one under the age of 16 (in Queensland) can legally 'consent' to sex or to marriage (last time I looked anyone under 18 who wants to marry has to have an adult's/parent's consent lest young vulnerable people end up as sex slaves etc). Anyone under 16 is not legally allowed to drive a car - no-one under 18 can legally drink in a bar - or buy cigarettes - so why on earth would we want it to be 'legal' let alone 'appropriate' for a child to 'consent' to their own adoption? No child has the capacity to understand the full consequences of consenting to their adoption.

A transgender child of 16 years has the right to change their gender (with irreversible effects), and yet adoptees don't have ANY rights to their lives even to old age and death.

Why is our state government dispensing with their duty of care for vulnerable children by supporting a practice that places children into private care with no requirement to follow up their welfare and outcomes in the short or longer term?

To continue adoption, let alone increase it, without paying heed to the calls for a comprehensive inquiry into adoption by those who are living it, is not only short-sighted, but a reckless act which will have long-term and profound negative mental health repercussions.

"We didn't sign up for this life and yet hold the burden." ~ an adoptee ~

I give my permission for this submission to be made public in full.

Regards,
Lesley Mitchell

