

Child Protection and Other Legislation Amendment Act 2020 and Amendment of Adoption Act 2009

Submission from ARMS(Vic)
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ARMS(Vic) is a not for profit organisation founded in 1982 out of a common need to support women who have lost a child or children to adoption. ARMS is a unique support organisation because it is exclusively for mothers. It is governed by a committee of volunteers who have each personally experienced separation from a child through adoption. Committee members are well-trained incidental counsellors based in a self-help model that has, for thirty seven (37) years, provided high quality, insightful, personal support, information and advice to other mothers. ARMS offers support through a 24/7 telephone service, website and email, has run a monthly peer support group meeting, unbroken for thirty seven (37) years in Melbourne, and in regional areas either monthly or quarterly for the past eight (8) years as well as a number of yearly commemorative events. ARMS committee members advocate on behalf of mothers and undertake awareness-raising to promote understanding and compassion in the broader community. ARMS supports mothers to reclaim their dignity and rights, obtain information about their children and manage contact and reunion where it is possible. Committee members also advocate on behalf of members to politicians for legislative reform.

ARMS' view is that all adoptions past and present constitute being forced, because no family would agree that the child they gave birth to was in fact given birth to by another couple, as stated in the current Adoption Act. "The Child becomes the child of the adoptive parents, as if born to them." As well, a service that holds the child as the primary client would never erase the identity of that child and then engage in a legal fraud whereby the child is then issued with a false birth certificate. Further, except for a very small minority of parents, their children are precious to them and with enough of the right support, those parents may have been or would be able to raise their child. It is true that some family dynamics are so destructive to a child that, for their safety and well-being, they are removed from their parents. Of itself, that does not mean that the child should therefore be treated as if s/he were never born to them, either socially, emotionally or legally. It is a permanent and inter-generational legal severance of a child from their family and should not be tolerated now, nor continued into the future. This Inquiry has the opportunity, the knowledge, and the support of mothers and adopted people, to recommend that adoption be withdrawn from the statutes. ARMS has fought long and hard to have adoption withdrawn from the Victorian statutes and it concerns us immensely that the Queensland Government is considering adding it to their legislation.

ARMS(Vic) believes it is in the best interests of all children for them to know all of their origins and full parentage, as well as their extended family's cultural heritage. They also have the right to an open and honest birth certificate from the birth of the child (ie not from when that child was adopted).

ARMS(Vic) holds the view that there is no need for adoption to be included in legislation. Guardianship or permanent care are more than adequate options within the legislation.

With regard to inter-country adoption, the international principles that govern intercountry adoption are set out in the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, an international treaty to safeguard children in intercountry adoptions. The convention aims to

ensure that intercountry adoption only occurs when it is in the best interests of the child. A guiding principle of the convention is that, whenever possible, a child should be raised by his or her birth family or extended family. If this is not possible, other forms of permanent family care in the child's country of birth should be considered. Only after local solutions have been exhausted, should intercountry adoption be considered – and then only if it is in the child's best interests. The fact that more children were adopted from countries that are *not* signatories to the Hague Convention (presumably because it is easier to adopt from them) is of concern.

Intercountry adoption became a huge marketing opportunity for those in the adoption business because of untruthful stories of orphaned children in developing countries needing a “forever family”. This is now known to be totally false. The desire of infertile couples for a child creates a ‘need’ and therefore a baby market, akin to the baby market in Australia which resulted in the forced adoption era and which in turn has led to the Senate Inquiry, Apologies and indeed, this Inquiry. Babies and young children were being stolen and sold. The countries themselves recognise that children are best kept in their home country – raised in appropriate cultural and linguistic communities - so some have closed their borders to adoption by foreigners. As intercountry adoptees from past decades have grown up, there has been great difficulty in providing them with accurate information about their identities, thus making them less than equal citizens. Community attitudes are different now. In the past there was more thought about the needs of infertile couples than of the babies’ needs.

There has been an upsurge in support groups for now adult intercountry adoptees and much representation to Governments about *their* needs, and those of their original families. Kate Coghlan, a Vietnamese born Australian adoptee is currently working with other Vietnamese adoptees on an event they're holding in Vietnam in April this year. It is a celebration of Vietnamese mothers who lost their babies during the war, either through forced relinquishment or - in their minds - temporary placement, while the war raged. They returned to claim their babies only to find they had already been shipped off overseas for adoption. The event is acknowledging the pain, suffering and silent grieving that the mothers have endured and they will meet Vietnamese adoptees from around the world to share stories and create networks. Kate Coghlan is also fundraising to purchase DNA kits for the mothers so they can register themselves in the hope of finding their children.

We urge the Queensland Government to reconsider the amendments to the legislation.

Jo Fraser
Secretary

on behalf of ARMS(Vic)