

Supplementary Submission

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I wish to address the members of this Inquiry into intercountry adoption. I am aware that the Inquiry is focusing on irregularities between the states and how the government can best support the whole process. I have already submitted both a personal submission and one for EurAdopt Australia, an organisation I currently head. I was unable to attend any of the sessions but it was suggested that it would be of value if I could give some input into solutions. Thus, this supplementary submission is aimed at finding solutions rather than problems.

This Inquiry has heard much already from individuals in different parts of the country and it is obvious that there are great variations in policy and performance between the various state/territory departments overseeing the process of intercountry adoption. In order to illustrate differences in attitude underpinning the policies of different states I think it would be of value to examine one more closely, this being Tasmania.

Case Study

Tasmania is one of the more effective states at managing its intercountry adoption program and I count myself fortunate to have been there when we entered the system. Our experience was extremely positive and the several factors that made it so are listed below. Our first child was adopted in the year 2000 and our second the following year. We were processed for a third adoption which was subsequently sent to a donor country. Unfortunately our situation changed and we withdrew that application. We are now being processed in the state of New South Wales.

1. Tasmania has a decentralised system with departments in the south, north and northwest parts of the state which allows most applicants accessibility to their case workers and allows these workers, in turn, to visit and get to know and develop a relationship with the applicants. In our own case, our social worker became a friend who attended our children's birthday parties and other family events and, although we have moved interstate, is someone whom I still contact regularly. She has a photo gallery in her office of children she helped unite with their families. As well, she often sees these children either through her work, social engagements or just in the course of daily living and can watch them grow up. The ultimate job satisfaction-
2. Processing was rapid and usually took approx 6 months from start to completion of the home study. From the day we first walked into the department to the day we met our eldest son in Romania was almost exactly one year. I consider this a very fast and effective processing. (I can elaborate on this if necessary).

3. Screening was thorough but not obsessively so as is the case in some other states. Criminal checks, for example, did not include fingerprinting and were free. Body Mass Index was not an issue.
4. Departmental staff were pro-adoption and nobody tried to talk anybody out of going through with the process or made derogatory comments. There was a calm acceptance of intercountry adoption as a reality and the emphasis was on making sure applicants were suitable and aware of the issues.
5. There was no attempt to deliberately channel applicants into programs against their will. There were preferred programs but options were discussed openly.
6. There was no opposition to older child and sibling adoptions and there was no limit on the number of children allowed in a family. I know of one family in Tasmania who have adopted 14 children over a period of many years. And I might add, very successfully. Some of these were older children.
7. There was no prejudice against older applicants and some flexibility about the upper age limit. However, there were restrictions on the age of the child allowed to be adopted if you were an older parent. My personal experience is that at 45 I needed all my life experience and knowledge to deal with the issues our son brought with him. I could not have done this at age 35. The timing was just right.
8. The Tasmanian Dept were prepared to help with post-adoptive issues. We turned to our caseworker for advice after the arrival of our own children on a few occasions and received it. I believe the Dept is now much more pro-active in post placement issues, and I applaud them for this.
9. The rate of failed or disrupted adoptions was less than 1%. They were very rare despite the policy of allowing older child adoption. Our second child came to us as the result of a disrupted adoption thus this issue is of particular significance to myself (and our family). The whole situation was handled very well with a great deal of common sense and the least amount of stress on the child (now our son). I believe the Tasmanian Dept is currently much more pro-active in assisting new parents experiencing difficulties which I see as a very positive move in the right direction.
10. The Dept worked closely with intercountry adoption support groups and contact details for the various groups were handed out with the application forms. Regular meetings were held between Dept and representatives in order to identify and deal with any issues arising.
11. Fees were affordable. They did not present an insurmountable obstacle, especially for those who already had children and were seeking to extend their family. Although the costs of processing are probably in the vicinity of \$10,000, I firmly believe around \$2,000 is an appropriate fee for applicants. Anything higher

becomes discriminatory as it discourages those in lower income brackets. Intercountry adoption is costly enough without the addition of departmental fees that set the barrier too high at the beginning of proceedings.

12. The Tasmanian Dept recognised the need for the opening of new programs and I believe is currently seeking to become a centre for a new program.

However

That does not mean the system is perfect and there is always room for improvement. And not everyone will have had such a positive experience. I have identified some of the areas that needed addressing or fine-tuning at the time we were processed. The situation may have changed in regard to some of these since then-

a) Intercountry adoption in Tasmania was not always in such a healthy state and its current record is the result of the policies of the last two Directors who have exhibited common sense, flexibility and humanity; all necessary qualities for those involved in the higher management of intercountry adoption programs.

Our first contact with the Dept was 10 years ago and was so disheartening that we returned to the IVF program despite the fact I was turning 40 and there appeared to be little hope of success. We were told, along with a roomful of prospective applicants, that only one set of us was ever likely to be successful. It sounded as though there was so little chance of success that it wasn't worth trying. In fact in hindsight what was meant was that applicants would not be successful because they would not persevere but the message received was poles apart from that interpretation. We were also told we were not eligible to adopt a baby as I would be over 42 by the time we were successful. It was 5 years later when we approached the Dept again (in a different part of the state), in a last ditch effort to become parents and the response was vastly different.

It appears that the attitude and beliefs of the person at the top has a lot to do with whether a state has a good intercountry adoption program or not. Tasmania has been very fortunate in later years but I perceive this as both a strength and a weakness. It means Directors must be chosen with great wisdom or else difficulties about who is acceptable as an applicant can arise due to prejudices- or fear.

b) The Dept in Tasmania overseeing intercountry adoption also oversees foster care. There is a world of difference between families in difficulty and whose children end up in foster care and those seeking to adopt. Dealing with the two very different types involves a mental stretch that has the potential to cause confusion amongst workers.

c) To my knowledge despite it being legal no single woman has adopted in Tasmania. I see this as an area that needs to be addressed.

d) Family reunion, i.e. the further adoption of siblings identified after the initial adoption needs to be finetuned.

e) Tasmania is choosy about what programs are on offer to applicants. There were other programs offered by other states that were not advertised in Tasmania because the Dept felt they were not suitable for Tasmanians. For example, the South American programs were not promoted because of the residency requirements of the donor countries. I believe applicants should be made aware of all options and given the opportunity to choose from the full range.

Model

I believe it would be of some value to study the 2 or 3 states/territories that exhibit best practice and identify the elements that make them so. This could be the basis for a model that could be used to attempt to eliminate irregularities between the states or improve performance. If even two or three states could reach a consensus then a start would be made towards Australia becoming unified in its approach.

This would have to include attacking front on hard-line attitudes to such issues as age of applicants, sibling adoption, older child adoption and adoption by single women. Most policies excluding these are based on either fear or biases. In particular, the issue of older child adoption is discriminatory and not in the spirit of the Hague Convention. Some states do not allow it as they perceive the risk of adoption disruption being higher but an examination of the Tasmanian situation (and probably elsewhere) will show this is not a reality. The risk is higher but better preparation and education beforehand and support afterwards can minimise the risk. As well, I believe that a small number of adoptions are going to fail for a variety of reasons including the inability of the new parents to cope with behaviour or to bond with the child. In fact Depts should expect and plan for a very small percentage to fail. This should be well under 1%. If it is over then there is something wrong with the management of that particular state's program.

Processing 1.

Having read the transcripts of the sessions in Queensland, I was amazed to learn that different lengths and styles of reports are sent to donor countries. My understanding is that the requirement is a standard one and if there are variations, then I feel this is happening at the Australian end and is of some concern. Applications need to be standardised. We might be made up of different states/territories but we are one country and should act as such. I am beginning to understand why I have heard Tasmania is a preferred destination for some donor countries.

Processing 2.

Being stuck in the system is extremely bad for applicants. Our processing was very rapid but it was still one of the most stressful periods in my life, because it seemed so

much was at stake. Applicants can either burn out or give up in the face of departmental indifference, bureaucratic red tape, the perception that the barriers are insurmountable, or unduly slow processing. For every set of applicants who give up that is one less child who will not get a family and one less couple who will never fulfil their dream of becoming parents. Bearing in mind that not all applicants are suitable, it is still not right that those who are successful are so because they have managed to sustain their courage, commitment and tenacity through unbearable odds.

Queensland

I am another who is advising applicants to move interstate given the situation in Queensland. If states were ranked according to the success of their intercountry adoption program then Queensland would be a woeful last. Of particular concern is the negative and backward attitude towards intercountry adoption. As well, applicants appear to be denied basic human rights. This is a sad position and reflects badly on Australia as a nation. Nobody should have to move in order to achieve their dream of becoming a parent. And nobody should be treated with such disdain and lack of sensitivity when all they want to do is become parents.

New Programs

To Hague or not to Hague, that is the question. Several of our programs are by bilateral arrangement. Most of these were in existence before Australia signed the Hague Convention and before the states arrived at their memorandum of understanding agreeing to open new programs only with Hague Convention countries. The exception was the China program which was still being negotiated and I believe a special reference was made to exempt this country in a Parliamentary Act. There are two facets to this issue:

1. **The pursuit of new programs.** At present one state takes the lead, approaches the donor country and sends the first set of files. Other states then follow suit if they choose. Opening a program can be a time consuming and frustrating business. At EurAdopt Australia's recent KidFest (gathering) we had the pleasure of welcoming Mary Griffin, the head of DoCS here in NSW, whom we had asked to address us on how to open a program. Mary had recently travelled to South America in an attempt to both restart and instigate programs there. Her talk was very illuminating on the frustrations, difficulties and, in some cases, the impossibilities.

At the end of last year (2004) Mary Griffin appointed a Programs Development Officer whose job is to focus solely on opening new programs. EurAdopt Australia also has a Programs Officer as we are greatly concerned that European countries are being bypassed in favour of Asia, Africa and South America. We perceive all children as being in need and have particular concern with the ex-Soviet Bloc countries that are still struggling to make the transition towards political stability and economic recovery.

Programs open and close with regularity for various reasons. Some get bogged with so many applicants that they are closed in order to deal with the backlog. Other countries impose quotas and yet others reach a stage where they no longer perceive intercountry adoption as a solution. However, the number of applicants within Australia is growing and will continue to grow. In market terms, the need at present outweighs the supply, and the situation is only going to worsen. Not in market terms, though, is the reality behind the figures. Each applicant represents a family for a child that needs one. Australia needs to open more programs to fill the empty cradles in our homes. I feel this should be handled federally and by somebody who is totally committed and prepared to go out and really work to make it happen. The present system of the Attorney General's Office sending a letter to possible donor countries is not going to accomplish much.

Recently DoCS decided to process applicants for Latvia. The push for Latvia was started by a set of serious applicants contacting the country and doing all the necessary background research. And then pressurising DoCS to process the application. I believe applicants in South Australia are following the same approach for Azerbaijan. It should not have to be like this. A Federal representative could approach countries, start proceedings and seek expressions of interest from applicants in all states/territories.

Alternately, support and resources need to be allocated to Depts in order to start up new programs. This would include travel to potential donor countries *on behalf of the Australian government* to carry out negotiations.

Interestingly, prejudices against programs are held by those negotiating as well. The Centre in Victoria gave the thumbs down to Latvia because they felt the process was too complicated and confusing at the Latvian end. I think there is a lack of understanding of what applicants are prepared to do regarding donor country requirements in order to adopt from a particular country.

2. Hague Convention or not. While it makes sense to only focus on Hague Convention countries, I think some argument could be made for extending to others that have not as yet ratified that document. An example is Russia, which has somewhere in the region of 7-800,000 institutionalised children (figures vary). The numbers are growing and the situation is becoming desperate. Recently Russia put together a database that lists 180,000 children available for adoption. This was released internally in Russian in an attempt to promote local adoptions, but the intention was to translate it into several other languages including english and to publish it internationally. I consider the situation in Russia borders on a humanitarian crisis and that Australia ought to bend the rules and step forward. New Zealand has been running a very successful program with Russia for many years and there are over 550 Russian children adopted into that country. It would be very simple to find out about the process given our close relationship with New

Zealand. If Australia is to be an effective participant in intercountry adoption then a certain amount of flexibility needs to exist.

Education

The public image of intercountry adoption is beset by misconceptions. These include that you shop for your child, choose your child, buy your child or that they are ripped from the arms of their mothers. This is all so far removed from the truth and these are such negative and harmful views that it is high time something was done to address the situation. In particular, comparisons to the 'stolen generation' help nobody. The reality is that these children were relinquished, orphaned or abandoned and adoption was their one hope of becoming part of a family. There is also a lot of ignorance about who is allowed to apply and age of applicants etc. More and better information needs to be out there in an easily understandable format.

Applicants need to be prepared, and prepared well, for the experience of adoption. Departments should be looking hard at making sure this is occurring. In particular any state with a high adoption disruption rate may find they are failing in this area.

Final Solutions

1. Identification of the main issues and setting up of aims to standardise policy and procedure.
2. Outlining of Australia's philosophical stance on intercountry adoption.
3. Setting up of model of ideal intercountry adoption program based on 3 top performing states.
4. A round table discussion with the heads of departments overseeing intercountry adoption in Australia and other government stakeholders, including the Attorney General's Office. The focus should be on improving the system and the lot of applicants. A discussion paper outlining the issues should be circulated beforehand. This should include the issue of opening new programs.
5. Interaction with groups involved in adoption with the focus on finding solutions, not dwelling on the problems. As most groups are regional and only know of the issues inherent in their own state's system, it would be of value for departments to seek input into how things could be improved in their own states/territories.
6. A reporting system so progress can be made toward goals and the results of the Inquiry are acted upon.

Final statement

The current method of processing intercountry adoptions in Australia is not, in many cases, effective or in the best interests of prospective parents, the children who desperately need homes or Australia as a nation. Inconsistencies in processing and reporting are discriminatory at home and confusing to donor countries. Australia needs a more standardised approach that recognises the needs of its citizens and presents a unified and less complex front to those countries endeavouring to ensure their children are going to be placed in an appropriate environment.

Applicants have the right to be treated sensitively and as persons who are seeking to undertake one of the most meaningful journeys of their life; the pilgrimage to parenthood. They do not deserve to be unnecessarily delayed or treated as criminals. They only want to be parents.

If even 2 or 3 states/territories can reach a consensus, then it is a large step towards unifying Australia's system. I suggest concentrating on those states exhibiting best practice, sort out any difficulties in policy and practice, and then pull the rest into line over time. Remembering, of course, that human beings are very diverse and best practice includes flexibility.