

Ms Susan Lomman

## **SUBMISSION TO STANDING COMMITTEE ON FAMILY & HUMAN SERVICES**

### **INQUIRY INTO CHILDREN FROM OVERSEAS**

I am the mother of a 3 ½ year old little girl from China. We became a family on 14<sup>th</sup> October, 2002 in Nanning, China. My journey to that point had been extremely difficult and had taken me from South Australia to Victoria.

I applied as a single applicant in 1998 when in SA and met with honest but stiff resistance. It was kindly pointed out to me that whilst there was no impediment to me applying the likelihood of an allocation was not high. I am a very determined person, was probably very naïve about the process and so desperately wanted to become a mother that I continued on. I fought my way to approval – a process taking about 15 months. Many of the people I began the process with had already had their allocations by that stage.

I wrote letters to politicians and asked to clarification of details. I was told that as a single I could apply for a “special needs” child. I was willing to do this with some hesitation, realistically knowing that many special needs needed two parents for support. However, on I pushed. I finally received my approval letter with the first paragraph saying that I was now approved as a ‘prospective adoptive parent’ and the next 2 pages telling me why I would never receive an allocation. The final straw came when I was called into the DOCS office and told that even though I would make a great mother I would never be allocated a child and why should I get one, when a child could be given into a family where it would have a father and a mother? I asked why couldn't I be allocated a special needs child and the response was that they are always offered to couples first and “let's face it there are no shortage of couples, so you will never get a child”. I left stoically and drove home in tears. I realised I had hit the wall in SA.

The decision to move to Victoria to pursue my dream was extremely difficult. My mother had a terminal illness. My parents understood my desire to be a mother and I went with their blessing. I ceased my post-graduate studies, gave up a training position in ultrasound and shifted to Melbourne. Here I soon gained employment and requested a transfer of file. This took at least 6 weeks to do and I was then put into the Victorian system. DHS refused to acknowledge the work done by SA and I basically started the whole process again (except for the education nights). Much of the payments were duplicated, I had to fly back to Adelaide for 2 more medicals (I had 4 medicals altogether – my Dr. thought it was a joke) and after being in Victoria for 11 months my file finally left for China.

The month prior to my file going to China my mother passed away. I had spent every second weekend catching the train overnight to Adelaide and then would bus back overnight to Melbourne. Fatigue eventually set in and I had to fly. I never regretted one of those sleepless nights – my mother was very special to me. I haven't mentioned that my parents adopted me domestically when I was 3 weeks old, so adoption in our household is very normal and yet we all know how much richer our lives have been.

Whilst in the Victorian system seeking re-approval the assessment was rigorous and at times alienating. I had to write a letter of complaint about one social worker's reports and I received an apology and a re-written report. Apart from the gruelling process itself I felt that I was treated on nearly equal merit as that of a couple.

On 5<sup>th</sup> August, 2002 at 6.35 pm I received my phone call. I was finally a mum and on 14<sup>th</sup> October and 4 years after my journey began that Dad and I welcomed Ashleigh into our family. She is the light of my life and brings me great joy.

I moved back to SA 6 weeks after allocation on the recommendation of my paediatrician as I needed the support of my father. Ashleigh had a sleep disorder which took at least 3 months to settle and still rears its ugly head every now and then.

For the last 2 years I have been seeking to change the law in SA regarding single applicants and getting nowhere. I wish to adopt another child and a move interstate again is out of the question and I shouldn't have to do that.

### **5 states/territories in Australia allow single people to adopt – NSW, Vic, NT, ACT and WA.**

SA claims that it allocates children to couples as it is “in the best interests of the child”. Does this mean that the five other states/territories are irresponsible enough not to consider the best interests of the children when allocating to single applicants? SA exercises a high level of discrimination in its interpretation of the legislation. Compare some of the other states legislation. (see addendum)

- ➤ WA – clearly state in their legislation that singles can adopt
- ➤ NSW – singles can adopt in “*particular circumstances*”
- ➤ Vic – singles can only adopt in “*special circumstances*”
- ➤ ACT – singles can only adopt in “*particular circumstances*”
- ➤ NT – singles can only adopt in “*exceptional circumstances*”
- ➤ Compared with SA – singles can only adopt in “*special circumstances*”

I was never told that Ashleigh met a "special circumstance" when I adopted her in Victoria. As far as I was concerned I was allocated my child the same as the couples were. SA needs to reconsider their policy regarding single applicants as clearly similar legislation in other states is interpreted completely differently.

Assessment of a person should be on their ability and capacity to parent a child and not on their postcode.

Susan Lomman

Dated 25<sup>th</sup> August, 2005

#### Addendum

#### **SA Regulation 19**

"A person who

<is not cohabitating with another in a marriage relationship>  
is excluded from selection as an applicant for an order for adoption of a particular child in accordance with the order prescribed by subregulation (1) unless the Chief Executive is satisfied that there are special circumstances that would justify the making of an adoption order in favour of the person".

#### **Vic Regulation 11**

"Subject to this section, where the Court is satisfied that special circumstances exist in relation to the child, which make it desirable so to do, the court may make an adoption order in favour of one person".

#### **NT Regulation 14**

"Subject to this section, the Court shall not make an order for the adoption of a child in favour of one person unless –

- (b) (b) it is satisfied that, in the opinion of the Minister, exceptional circumstances exist that make it desirable to do so".