

AGAINST THE ODDS

A parliamentary inquiry into overseas adoption has heard a raft of criticisms about the existing state-based process, which has been described as slow, costly, confusing and in desperate need of reform. Georgie Oakeshott reports.

Parents adopting a child from overseas experience the same eager anticipation as biological parents approaching their baby's due date, but they also experience enormous costs and frustrations associated with a lengthy, cumbersome and bureaucratic approval process.

For some it's a maze, for others it's a nightmare. Very few submissions to a parliamentary inquiry into overseas adoptions have anything positive to say.

Understaffed, overworked state government adoption officials are being blamed for making the

process as difficult as possible, with disarmingly negative attitudes. A West Australian couple described how an "information meeting" attended by 300 prospective parents was told that all children were better off staying in their own countries, and they were then told to send money instead.

According to Australians Adopting European Children (AAEC), state adoption workers are worried about creating another type of "stolen generation". However this is a groundless concern, they say, because "children adopted from overseas have been relinquished by their birthparents and could not be found homes in their own country.



These children were not forcibly taken from their parents.”

Adoption groups and adoptive families in Australia support the international view of UNICEF, which says that, for individual children who cannot be placed in a permanent family setting in their country of origin, overseas adoption may be the best solution.

According to adoption groups here, there are more than a million children in institutions around the world in need of families. Several hundred thousand of these children are in institutional care in China alone.

But accessing these children is not easy. In its submission, Families with Children from China–Australia (FCC) criticised the negative and obstructive processes in place. They said state departmental officials try to dissuade people from adopting by telling them there are more applications than there are children. But this, they assert, is simply not true.

“China could accept many more applications from Australia than it currently does without any difficulty. The only thing stopping this from happening is the difficulty of adopting under the current Australian processes,” they said.

These difficulties include a smorgasbord of selection criteria, a veritable tangled web of rules and regulations regarding age, marital status, size of family, even body mass index.

In some states a 46 year old is too old to adopt, and in some states a 24 year old is too young. Singles, de facto couples and same sex couples can apply in some states, but not in others. And in Queensland and WA you can be ruled out for being overweight. There are also vast differences between the application processing fees, which range from around \$2,000 in Tasmania to almost \$10,000 in NSW. As one adoptive mother put it: “My family could not have existed in a number of other states.”

Adoption groups and families are urging the federal government to streamline the process, reduce or abolish fees and remove the arbitrary age restrictions. Critics argue these age restrictions fail to take into account parenting ability and result in the exclusion of many applicants who would otherwise make excellent parents.

A South Australian couple described in their submission their personal anguish when a child allocated to them by China was rejected by the state because the older parent had turned forty-

six. “South Australia insults the integrity of those countries by imposing an age criteria that is not imposed by the majority of other states and that of certain relinquishing countries and confuses the international adoption process for Australia by doing this,” they said.

As another couple wrote in their submission: “It must be a logistical nightmare for the overseas agencies to remember which state requires what.” And a Queensland mum wrote: “I don’t think it is a state government responsibility to decide that because we live in Queensland we are only allowed a certain number of children; surely this would be based on what we can provide for our children.”

The inquiry has heard that prospective parents will move interstate, or “jurisdiction shop”, to make an adoption possible. And an analysis of the figures from 2003-04 has revealed where they should be headed for a more “user-friendly” system.

According to AAEC, on a per capita basis, the ACT is the best place to go and

NSW the worst. With a total of 369 overseas adoptions nationally last year, 26 were placed in the ACT and 66 in NSW.

“If NSW had adopted at the same rate per capita as the ACT, there would have been 540 adoptions by NSW alone. NSW’s adoption statistics defy logic,” they said. There are also more than 800 applications at various stages of completion in NSW, a figure that has more than doubled in the last four years.

Queensland is another state with a backlog of applications, so much so that in 2002 they closed the books to new applicants. Last year, they opened an application window for eight weeks and received a total of 819 expressions of interest, creating even more of a backlog.

“The strategy of closing new adoptions for years does not appear to have achieved the desired outcome of more smoothly managing adoption applications. Rather it results in huge backlogs that have not been cleared, and causes enormous amounts of stress for adoption applicants,” wrote Families with Children from China–Australia. The situation in Queensland is so bad, they said, that departmental workers have advised applicants to move interstate.

There are also problems with restrictions placed on adoptive families making public statements. Angry parents say this is taken to an extreme in South Australia, where they face

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prosecution if their adopted child receives any publicity at any time.

"This precludes overseas adopted children from being photographed for any accomplishments or exposed to media coverage of any kind, events that a normal family life would entail and those that biological children partake in without the need to ask a government authority," wrote a South Australian family.

These anti-publicity provisions attracted criticism earlier this year when they were used to silence debate about the closure of South Australia's only private adoption agency. In its submission, Families with Children from China-Australia said the agency had a 13 year record of professionalism and its closure resulted in an outcry of opposition from the adoptive community.

This outcry, they said, was stifled by the South Australian Minister, Jay Weatherill, who sent a fact sheet to applicants reminding them: "Under the law, it is an offence to publish in the media the name or names or information tending to identify people who are party to an adoption. The maximum penalty for a breach of this part of the Act is \$20,000...The law still applies where the adoption order has already been granted."

Families with Children from China-Australia said, as a result, many objectors were not able to air their concerns. "The result of the media ban was that the adoptive community was not afforded a voice to oppose the changes that the minister made," they said. "This seems to be a direct suppression of free speech." FCC, like many others, believes adoptive families should be allowed to speak publicly about adoption issues, and adopted children should be free to appear in the media without having to ask a government official for permission first.

There is also a call for greater financial assistance for adoptive parents. With Australia's birth rate in decline, and government support for



Orphans in Thailand. Photo: Thaksina Khaikaew, AAP

families with "one for mum, one for dad and one for the country", overseas adoption needs to be recognised as a legitimate form of creating a family. "What better way could there be to increase the youth of Australia by supporting adoptive parents who are willing to come to the aid of unfortunate children from other countries in need of permanent and loving families," wrote the Australian Council for Adoption.

Support groups would like the federal government to consider financial assistance for families who currently face costs of at least \$20,000 to adopt a child from overseas. They're also arguing for improved access to maternity benefits and leave entitlements comparable to biological parents.

While 29 per cent of workplace agreements have paid maternity leave, only one per cent has paid adoption leave. Considering adoptive parents are required to take between six and 12 months leave when their child arrives, parents have told the inquiry addressing these concerns would make a big difference to their bottom line.

"Birth families are subsidised by the government at a cost of over one billion dollars (antenatal, obstetric and post-natal care) so that it need not cost a family any money to have a birth child," wrote an ACT couple in their submission. "It is inequitable, then, that the attitude of the government is that adoptive parents, who usually have no choice but to adopt or remain childless, are totally user-pays," they said.

Another couple calculated the Medicare benefits they received for seven unsuccessful IVF cycles to be around \$13,000. "Adoption is a valid form of family creation, yet there is no financial support for it by the Australian government," they wrote to the inquiry. "Although the cost of a

single overseas adoption is high, it has a success rate of 100 per cent each cycle—the same cannot be said for IVF."

FCC said: "Adoption and birth are comparable methods of family formation under the law and since birth is highly subsidised by government, adoption should be similarly supported."

Since the inquiry began, the federal government has announced budget changes, which increase the number of adoptive families eligible for the \$3,000 baby bonus by increasing the age limit from 26 weeks to two years. Some submissions, however, argue for the removal of the age limit altogether.

Parents of a daughter adopted when she was three years old wrote: "Adoptive parents should be afforded a supportive system that takes into account the special needs of adoption parenting. All entitlements afforded to biological children should be afforded to adopted children without age restrictions."

The inquiry is also hearing calls for regulated private agencies to administer the approvals process, and calls for new programs with countries such as Russia. According to AAEC there are 600,000 children in orphanages who will remain inaccessible to Australians until there is a bilateral agreement with Russia.

"There is a perfectly viable inter-country adoption program between New Zealand and Russia. There are well over 500 children from Russia in New Zealand. So why not here in Australia," they asked.

The inquiry continues. ■

For more information on the overseas adoption inquiry visit www.aph.gov.au/house/committee/fhs or email fhs.reps@aph.gov.au or phone (02) 6277 4566.



Enduring the process

Noline, Rob, Ionela and Iulian Cornhill. Photo: AUSPIC

"Oh, so you're the mother who bought her children," is how one adoptive mother recalls the troubling start to a conversation at a school-gate recently.

Horrified, the adoptive mother quickly explained buying and selling children is highly illegal, and moved on. But this represents just one example of the ignorance and "amazing misconceptions" which adoptive parents face everyday.

For ACT couple Rob and Noline Cornhill, their problems began back in 1995 when they applied to adopt siblings for their two children, one biological and the other locally adopted.

"It is very difficult for adoption applicants to endure, at considerable expense to them, the approval process conducted by a bureaucrat who is often negative and makes them feel they are doing something wrong while at the same time they continually witness the remainder of the Australian population who have no need to obtain approval to get pregnant," they wrote in their submission to the inquiry.

In February 2000, the Cornhills adopted two children, aged eight and six, from Romania. "The culmination of five years of arguing and fighting with the bureaucrats from the ACT government who made the adoption process very difficult for us," they said.

"The process which a family has to go through to be approved to adopt a child is intrusive, emotionally draining, expensive and often complicated by the frequently negative attitudes of adoption workers."

There are also problems for the children waiting to be adopted. The inquiry has heard some terrible stories about the conditions they endure.

"While our children are now physically healthy after the damage inflicted on them by six and eight years in the

institution, many of the institutionalised children suffer neglect, physical, mental, emotional and sexual abuse.

"Their experience has taken its toll and has left our children with long-term and probably permanent, severe psychological damage," the Cornhills said.

They described the orphanage in Romania as having 150 children, between four and 12 years old, living in two rooms. There was one carer for every 30 children. They rarely went outside, had no toys, and their only stimulation was American TV shows.

"Many of the children were hyperactive and had other extreme behaviours probably caused by the same reactive attachment disorder that our children suffer from," they said. "Their future without education, any idea of how the world works or how to survive would have been bleak once they were ejected from the orphanage at age sixteen onto the streets of one of Europe's poorest countries.

"Many of their peers end their lives very quickly via drugs, crime, prostitution or suicide. It is beyond belief that social workers in some jurisdictions believe that it is in the child's best interest to leave them in an institution in their birth country to have their lives destroyed, rather than having them adopted into loving families in Australia," they said.

Many submissions to the inquiry have detailed the measures adoptive parents will take to maintain links with their children's birth country. Parents of a baby girl adopted from China told the inquiry "she will attend Mandarin lessons, we celebrate Chinese festivals with other adoptive families and the local community, our child has Chinese godparents to guide her in her culture, and we plan regular trips back to her country and region of birth."

"We continue to raise funds for the children who remain in the orphanage, not because of guilt but as a way of giving something back to a place that gave us so much."