

**Submission to the Inquiry into approaches to a nationally consistent  
framework for local adoption in Australia**

by the

**Australian Adoptee Rights Action Group**

*Dr. Catherine Lynch JD.*

To the House of Representatives Standing Committee on Social Policy and Legal Affairs,

We are Australian adoptees connected online across Australia.

We have noted that the terms of reference imply that the nature of adoption as a human rights violation, with its permanent and intergenerational legal severance from family and kin without the Adoptee's consent, has been overlooked in the setting of the terms of reference, despite the recent National Apology by the Commonwealth for its role in former forced adoption practices which should have alerted Governments to the true nature of adoption as a permanent deprivation of our legal rights to our own families.

In this respect, in this submission the *Australian Adoptee Rights Action Group* seeks to inform the committee of the nature of adoption as a fundamental breach of the human rights of Adoptees:

In *The Weekend Australian*, April 21-22, Grace Collier, an Adoptee, claims to stand with adoptee activists. She writes:

**“A child-centric adoption system would not erase the identities of children. It wouldn't abolish their birth certificates and create new ones with new names** in a grand game of pretence.... [T]he child would never be separated in law from their parents, removed from their family tree and lose their rights. Naturally, in practise they might reside elsewhere for the term of their childhood, and their carers need certain rights to bring them up, obviously. A child-centric system would allow all adult adoptees who had their identities changed in the past the right to end or annul their adoption and change their identity back, returning in the eyes of the law to their biological families. This should be a 'no fault' process and simple for the adoptee to achieve.” (Grace Collier, “Adopt Another Way for Kid's Sake,” *The Weekend Australian*, April 21-22, 2018, p22)

Adoptee activists understand that some children have horrific traumatising experiences and must be removed from abusive families. Nothing in our activism implies that we would want such children to remain in situations of abuse and danger. But the negligence of governments in providing a professional and caring Child Welfare System, resulting in multiple placements for some children, does not

justify the use of an antiquated and draconian adoption system as some kind of escape route. Some of us are coming from the other end of the scale of experience, having been removed from our families unnecessarily, but we demand equality and the same rights as all other Australian citizens - for *all* adoptees whether we have been removed unnecessarily or for genuine child protection reasons, whether we have been placed in abusive adoptive homes, or loving ones.

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Firstly, **the State can disinherit only two minority groups in Australia:**

a. Criminals who murder their parents are not allowed to inherit and so profit from their crime; and

b. Adoptees.

We take the deepest personal offence at the promotion of a system of familial severance that places us in a similar category to those who commit parricide.

The absolute irrelevancy of adoption, with its intergenerational disinheritance from natural family and kin, has only increased since the introduction of open adoption, where children may have continual contact with their natural families.

*We are not even eligible for Family Provision legislation* if, for example, we are left destitute by our adoptive families and our natural families have large estates. This situation does occur. Step-children and grandchildren have access to this legislation, but not Adoptees. It is blatant discrimination against Adoptees and we have been looking at ways to challenge this under *Anti-Discrimination Acts*.

In what imaginary world is the disinheritance of a child in their best interests, regardless of any claims to compensatory inheritance? In what imaginary world is excluding them from *Family Provision* legislation in their best interests? It can never be in a child's best interests to disinherit them. Thus adoption in its present form violates the Best Interests of the Child principle that dominates the *Convention on the Rights of the Child* and the Commonwealth's *Family Law Act 1975*.

**It is also a violation of our human rights to sever every single legal right to our own families forever without our consent**, so that our own children are not seen to be the grandchildren of their grandparents, or nieces and nephews to their aunts and uncles, nor brothers or sisters to their own siblings.

The right of a State to remove all of a citizen's legal rights to be part of their own family tree is on a fast track to obsolescence with the rise of *Human Rights Acts* around the world, which will allow us to take legal action for what is taken from us without our consent.

Adoptees are concerned that the Committee is unaware of what adoption actually is and may be influenced by the "forever family" adoption ideology promulgated through the media from the top country in child trade: the US.

And so, for your information, we inform you that adoption, as it was invented by the *Adoption Acts* in the 20<sup>th</sup> century, has nothing to do with child protection but was developed to solve what was seen as the “problem of illegitimate births.” This is why Adoptees’ **names are changed** and we are given **replacement falsified birth certificates** which name our adopters as our parents and as the people who registered our birth, despite them not even knowing us when we are born. What possible connection do these things have with child protection? None. Adoption is an obsolete form of dealing with illegitimate births that is not tailored to child protection purposes in any way. **Further, adoption has become obsolete in a new era where we no longer discriminate against children born outside of wedlock.**

How utterly ludicrous in the 21<sup>st</sup> century that upon her adoption an 11 year old child gets a new birth certificate saying she was born from her adopters, and that her birth was registered by her adopters, whom she probably had not even met at the time of her birth registration. Adoption is a complete joke and its proponent’s fools if they willingly ignore these fundamental problems with adoption.

Adoption is a drastic measure which permanently severs all ties with the family and changes the identity. **A UK judge has described adoption as the “most draconian interference in family life possible” (*Down Lisburn Health & Social Services Trust v H*).** Australia has ratified the UNCRC which gives children a broad range of rights. If they’re respected and fulfilled adoption is in most cases unnecessary.

Adoption is not a child protection measure, but rather a civil order. The NSW government’s decision to rebrand adoption to get children out of OOHC – or, more specifically, to channel newborn babies into private homes before they thoroughly enter the OOHC system – completely ignores the fact that adoption was designed to deal with children born out of wedlock, not to provide care to children at risk.

As a result of this move by the NSW government, adoption is being regarded as a child welfare solution despite not conforming in any way to the *Convention of the Rights of the Child*, which demands that alternative forms of care for children at risk include the MONITORING OF CHILD WELFARE.

**Adoptees are NOT MONITORED in private homes.** How long will State governments be able to get away with using adoption as a child protection solution yet without providing child protection safeguards? It is only a matter of time before the government will get sued on these grounds.

**No statistics are kept** on long-term outcomes for adoptees: including statistics on mental illness, homelessness, drug abuse, criminality and suicide.

**No research is done** on long-term outcomes for adoptees, in any of these areas.

We know this because we are adult adoptees and no one has monitored us for the duration of our lives. We have formed a large online connected community, we meet and talk continually with adoptees throughout Australia and around the world, and

the exchange of information has revealed that ***adoptees ARE abused in adoptive homes.***

We are aware through media reports of the abuse and murders of adoptees in both the US and the UK, both models of which the NSW government have praised in the media, which we naturally find, deeply offensive.

Adoptees abused in private homes are beyond the reach of the Duty of Care of governments and the NGOs who placed them there. They were turned away from the recent ***Royal Commission into Institutional Responses to Child Sexual Abuse*** because they were not deemed to be abused “in institutions.”

How long do you think governments can avoid justice in these matters? And now with **PAYMENTS being made to adopters – still without corresponding welfare checks** – how much more is the government and NGO’s opening themselves up to being sued for breaches of Duty of Care and failure to live up to the conditions of the UNCRC to provide welfare checks?

When we discovered our parents paid significant donations over a period of many years, continuing even to this day, to the religious institutions that traded us as babies, we understood we were commodities.

And now we observe the introduction of payment to adopters made by FACS we understand even better the nature of how the government views children at risk: as commodities to sell off to a culture of artificial “family building” and entitlement, to get off their books and beyond a duty of care simply because of its own negligence and inadequacy in running a professional and caring child welfare system.

Yes remember that? The child welfare system? We have one of those! To let this system run down and claim that adoption solves a problem of multiple placements is dissembling and dishonest. If there is a problem with multiple placements in the child welfare system then FIX IT, as is the duty of government.

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It is with dismay that the *Australian Adoptee Rights Action Group* review these terms of reference which seem to seek merely to increase adoption under nationwide standards without any regard to the fundamental antiquated form of adoption as it stands today, without welfare checks, with absolute legal severance and disinheritance without consent of the adoptee, and, now *payments to NGO’s, approximately \$40,000 per adoption in NSW, and payments to adopters.*

To sell children off to private unrelated individuals is intolerable.

We understand the rebranding of adoption as child welfare is promoted as a way to give “permanency” to children. We find nothing attractive about permanency: *permanently* placed in the hands of paedophiles and abusers has no benefit;

*permanently* legally severed forever from family and kin has no benefit; and *permanently* severing our inheritance rights has NO BENEFIT.

We understand that permanency is, in practical terms, a euphemism for adoption.

We also understand that since Pru Goward oversaw the change of the placement hierarchy for non-indigenous children removed from families so that adoption is pursued before Care of the Minister, that the focus is once again on *newborn babies* because of their obvious appeal to infertile people – to channel them into private homes before they fully enter the care system, thereby saving money, taking the children deserving of government protection off the government's books, and placing them, once again, beyond its Duty of Care.

Adoptees around Australia are currently consulting legal firms with a view to individual and class actions for the permanent legal severance of us from our kin. **It is only the lack of Human Rights instruments in NSW that has prevented us from making a human rights claim against the validity of the Adoption Acts in disinheriting us, changing our names and birth certificates, severing all our rights to our families, and making it extremely onerous to discharge our own adoptions despite never consenting to them.**

Adoption creates second-class citizens who do not have equality with other citizens.

We are part of a global adoptee civil rights movement. Is it possible that the government of Australia is not even aware that there is one?

We will never give up the fight for equality; the fight to use our own names and retain our true identities; the fight to remain legally part of our natural family, brothers and sisters to our siblings, descendants of our ancestors, even if we cannot live with them; the fight to use our genuine birth certificates; the fight against disinheritance; the fight for proper care from the State if we are at risk in the homes of our natural families.

We will never give up the fight for our rights and the rights and equality of future adoptees.

**In conclusion**, and in direct reference to the Terms of Reference, the *Australian Adoptee Rights Action Group* recommends:

1. Stability and permanency for children in out-of-home care should be pursued within the OOHC system, which is what it is there for, and there should be **no option for local adoption** because its disinheritance; legal severance from kin; birth certificate fabrication; identity/surname change; and absence of monitoring of child welfare in private homes, all without consent of the proposed adoptee, make local adoption a violation of human rights; and

2. The appropriate guiding principles for a national framework or code for local adoptions within Australia should be that ***adoption be done ONLY BY CONSENT of the proposed adoptee***, who should be of a proper age to consent, namely 18, if there is to be any adoption at all.

These recommendations may be reconsidered if radical adoption reform along the lines outlined in this submission were to be first undertaken.

22 April 2018