

" Commonwealth contribution to former forced adoption policies and practices "

I Barbara Anne Hardy am a citizen of the Commonwealth of Australia, resident in N. S. W.

As a citizen of the Commonwealth of Australia I have an inalienable right to protection under the Australian Constitution and the Common law of this country.

As an Australian citizen, the Commonwealth affords me protection from the unlawful and harmful actions that threaten my right to life, liberty and justice from those who would deny me these rights, within and without, the borders of Australia.

yours sincerely,

Barbara Hardy .

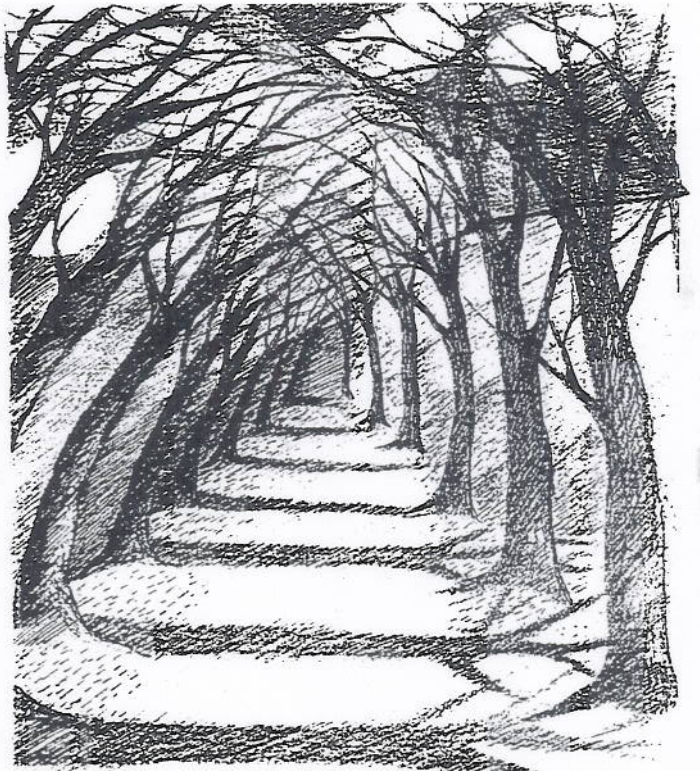
• IN MEMORY OF DIAN WELFARE •



INQUIRY

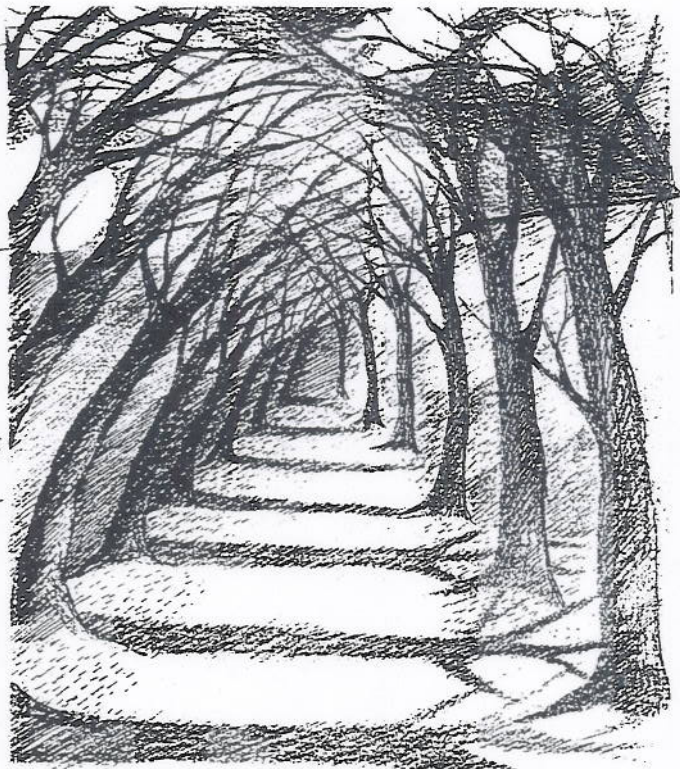
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I became pregnant in April '70, I was 15 years old at the time. I was fortunate to be able to stay at home and not sent far away to an unmarried Mothers Home. I was extremely ill with severe morning sickness for the first 4 months; on my 16TH birthday I started having routine check-ups at the pre-natal clinic at Nepean Hospital - never once did anyone discuss the subject of Adoption. My parents also never talked of what would happen after the baby was born, we were all in a state of denial about the situation.



The birth of my son is very clear in my mind, the precious moments I spent with him and the image of his face to be etched into my memory forever. These have been a great comfort to me over the years, I don't know how I would have coped without seeing him.

The attitude of the two sisters-in-charge: Sister, (...) & Sister (...) during the birth (no doctor attended) was very unsympathetic, and I clearly recall them telling me to "shut up," when I started to cry out in pain - I never made a sound after that. Attached to this submission is a part copy of my medical records that clearly shows the large amounts of "pento-barbitone" (100mgs) that was administered during labour as well as "Sparine" & Pethidine - this was known as a "lytic cocktail" - used to obliterate feeling. Even with this large amounts of drugs I struggled to stay alert, and when the two Sisters left the labour room (I don't know why), my son was laying across my leg (with the cord still attached) I propped myself up to look at my baby. After a brief time they came back into the room and took him away - I was never



allowed to hold him. I remember he had a very low & deep sounding cry, very subdued, which I thought didn't sound right (no doubt the effects of all the drugs I was given.)

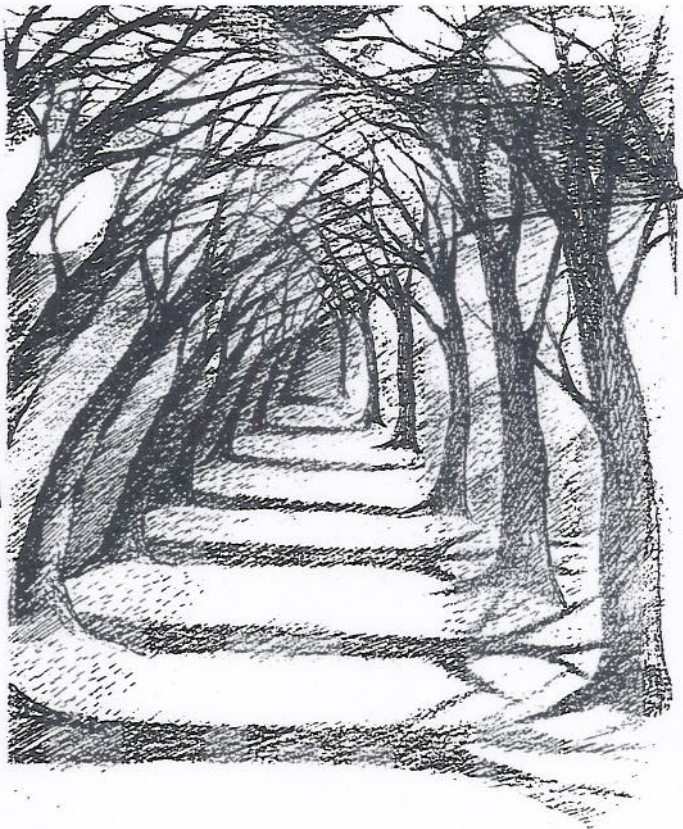
The birth had been quick but I was badly torn; I remember waiting hours before I was attended to by a doctor, and when he did arrive he sneezed all over me while he sutured the wound! (three days later I came down with a cold).

The stay in hospital, in a large public patients room full of married women, was incredibly distressing. I had the title of "Mrs. Hardy" attached to my bed & when the new-borns were brought in for feeding, I was constantly asked by various nurses where my baby was! After a day or so of this I went out for a walk around the hospital wards, and three times I managed to look at my son through the nursery window. I would gaze at his face and took in every detail and locked it into my memory.

A few days after the birth of my son, whom I named David, I was visited by a social worker named (...). She started talking about adoption and I can recall her saying over & over if I truly loved my son I would let him have a better life than I could offer him; that there were many married couples unable to have children who could offer him a stable family life. I became extremely distressed & started crying, later on I was given more "Pento-barbitone" (100mgs) - she even threatened me that if I didn't tell her the Father's name, that my son would end up in an institution as a State Ward!

At no time did (...) - Social Worker & J.P. ever discuss the option of foster care or monetary assistance, or explain my legal

rights that I had as the Mother of my child. My parents were also not involved in the consent taking, and I understand (now) as a minor of 16 years, I was in their care & unable legally to sign any documents until I turned 18! This social worker (& others who colluded in taking my child) not only stole my son from me; but also took away my sense of worth - something that has had an immense affect on my life.



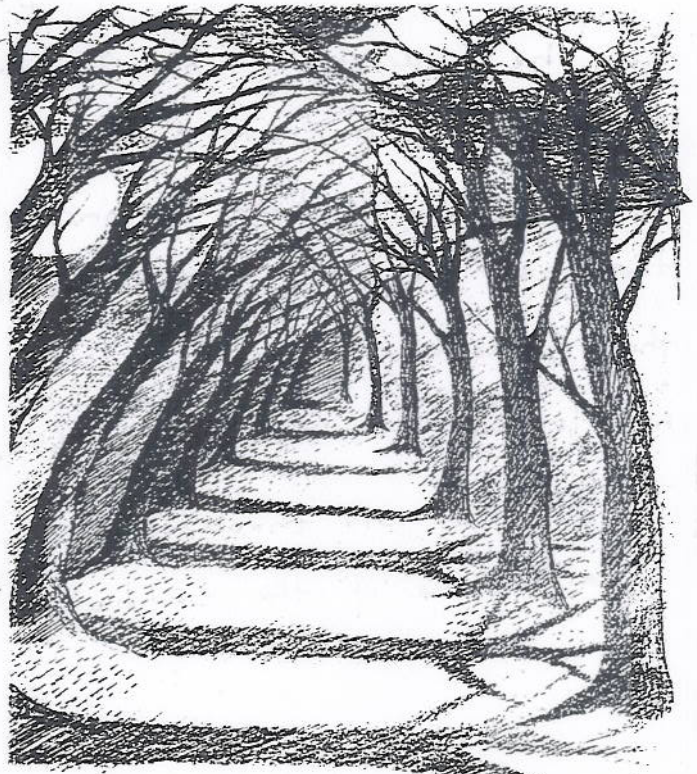
The psychological conditioning used on young teenage Mothers transferred all the guilt onto us - which is overwhelming in itself as well as having to deal with the loss of a child.

Since the signing of the adoption papers, my stay in hospital was one of spiralling despair:- again more Pento-barbitone (100mgs) when I became hysterical one night. It states very clearly in my records that I was "very upset over baby". Also clearly written is how I would be allowed to leave the hospital only if it was "OK. with the Social Worker".

On Christmas day 1970 I left the Nepean Hospital without my beloved son David, and went home to face my Uncle & Aunty who were visiting, (they had not been told of my pregnancy). From that day on, everything was a blur for months on end, I became very withdrawn and depressed, and experienced what could be described as a 'breakdown'. I remember being taken to a local doctor, Dr. (...) & given Valium, but no counselling, & more pills to suppress lactation. I took the Valium for a few days, but I felt worse, and threw them away & slowly found my own way out of my deep depression by drawing & painting.

About four months after my son was born, unbeknowns to me at

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the time, my Father threatened to leave Mum & me. Consequently my Mother took an overdose of prescription pills, thankfully she was unsuccessful. Over the years no-one ever talked of the adoption, and my Mother must have felt such over-whelming depression about this and several other times took more over-doses in the next 15 years.



During the twenty years from my son's birth and our reunion, I lived in what can only be described as a kind of limbo - the only way of coping with the loss. Four years after David was born I gave birth to my daughter (...) & entered into a long-term relationship. After many years I started talking about him and told her of her brother, and that one day we would meet him.

My son went searching for me the day the Adoption Laws changed, back in April '91 (he was now called (...)) - and on May 31st we were finally re-united. The first few months were a dream come true, but after the initial euphoria it's been a series of roller-coaster rides of emotional ups & downs. After seven years things are still very much of a tenuous nature. I'm consistent with my feelings and always welcome any communication with (...) - but my son is still very confused about his feelings towards me; and we go through many long periods where he won't talk to me, and recently has even sent my letters back.

In the past year he has experienced a terrible trauma in his life; last August he lost his son (his second child) minutes after being born; and he was the image of him as a baby & the same weight (8lb). For a brief moment it brought us extremely close; he even said P.T.O.

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now he understood how I must have felt losing him. But this closeness wasn't to last & now after nearly a year, he refuses to talk to me - this has been a constant pattern during our reunion - I feel the past is always over-shadowing our present time. There's always this under-lying feeling of hatred towards me; for (in his mind) not loving him enough to keep him.

Maybe now through this Inquiry, the truth will emerge and repair some of the emotional damage caused by being separated.

Barbara Hardy.

Your Legal Rights

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The Child Welfare Training Manual of NSW Adoption Practice states:

Most of the babies come from large public hospitals where the mother has indicated that she does not desire to keep her child. In these cases the mother is visited in hospital by a specialist lady District Officer who explains to the mother the facilities (assistance) which the Department can offer to affiliate the child:

1. To assist with monetary allowance (section 27 aid, destitute persons funding).
2. Or by admission to State control (foster care) until the mother is in a position to resume custody and control of the child.

When all these aids have been rejected and the mother still desires to surrender the child for adoption:

3. The full import of surrendering her child is explained to the mother.
4. Only when the mother still *INSISTS* does the Departments officer prepare a form of surrender. This form must be witnessed by a Justice of the Peace who, in turn must furnish an affidavit to the effect that the instrument of consent was read and explained and in the belief of the Justice, was understood by the mother.

A mother had the right to reclaim her child up until an *ADOPTION ORDER* is made (up to 18 months later). This right was reduced to 30 days with the introduction of the 1965 Adoption Act commencing 1967 to minimise the stress of adopters in fear of the real mother reclaiming her child.

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The Adoption Children Act 1965
(Protection Against Duress clause 31b)
Section 31b of the Adoption of Children Act states:

An adoption may prove invalid under the terms of the Adoption of Children Act 1965 if the mother has been subject to duress or undue influence.

- * 1. Refusing the mother permission to see or handle her child prior to signing the consent or putting obstacles in her way of asserting this right, may readily be interpreted as duress if the validity of a consent is being contested.
 - * 2. In the same context any comments or actions by staff members which the mother could see as pressure to persuade her to place her baby for adoption run the risk of later bearing the legal interpretation of duress.
 - * 3. Anyone found in these circumstances to have exerted "undue pressure" is liable to prosecution under 51 of the Act.
- * The law also states that a mother is the sole legal guardian of her baby and remains so until a consent to adoption is signed. She therefore has the right of access to her child as any new mother would and cannot legally be denied this.