

SENATE ENQUIRY INTO FORCED ADOPTIONS

Submission by VANISH Inc

The terms of reference for the committee's inquiry are as follows:
the role, if any, of the Commonwealth Government, its policies and practices in contributing to forced adoptions; and
the potential role of the Commonwealth in developing a national framework to assist states and territories to address the consequences for the mothers, their families and children who were subject to forced adoption policies.

With respect to term of reference b), the committee is seeking comments/suggestions from submitters about what role the Commonwealth might play in developing a national framework as described in the Terms of Reference. These comments/suggestions will be considered by the committee during its inquiries.

Thank you for initiating a federal enquiry into past adoption practices. VANISH Inc is well placed to make informed comments about adoption separation, because daily, through our work, we witness the impact of the members of the family of origin (the birth mother, the birth father and the child they lost to adoption) being apart.

VANISH Inc is a not-for-profit post-adoption search and support services organisation. We are based in Melbourne. Under the Adoption Act 1984 (Victoria), we conduct family searches on behalf of adopted persons and provide emotional support to adopted persons, birth parents and adoptive parents. Present state legislation decrees that we are not permitted to conduct searches on behalf of birth parents. Victoria, alone among the states and territories of Australia, singles out birth parents in this manner. Birth parents in Victoria tell us that this discriminatory barrier adds to their distress.

VANISH Inc has chosen to address the second point of the Terms of Reference.

Topics:

Make funds available for post-adoption grief counselling and support groups

When an adoption takes place, the child is removed from both their birth parents and losses are the result.

The birth parents lose the child to whom they are genetically connected. They lose the opportunity to raise the child, to fulfil the traditional parenting role. The birth mother and the birth father may also lose one another, if, prior to the adoption, they enjoyed a meaningful relationship. Adopted persons lose their birth parents, ties with extended family, genealogical continuity and everyday evidence of their heritage. At the very core of their losses is the loss of their original name, bestowed by the birth parent(s), which is replaced by an adoptive name.

After an adoption is formalised, an adopted person and their birth parents are estranged; however, the loss retains an unclosed quality. The adopted person may fantasise that the situation is reversible, for the birth parents are still alive. For the same reason, birth parents may contemplate the re-appearance of their child. Because an

adopted person has no history of a relationship with the birth parents, the birth mother and the birth father often linger as ghosts, making the loss difficult to rationalise. At the core, an adopted person has lost not only the two birth parents and the heritage they provide, but also the genetic connections with grandparents, siblings, aunts and uncles and cousins. By losing their genealogical and cultural linkages, they have also lost a part of themselves.

Adelaide-based author Evelyn Robinson concludes that, “You cannot have adoption without loss. Grief is not only the expected response to a loss, but it is also a positive and beneficial response, because grieving allows us to process our loss” (2001b, p2). The cause and effect connections are clear. An adoption results in loss, of which grief is the anticipated outcome. In an adoption setting, this grief is disenfranchised. Disenfranchised grief is described by Doka (1989) as the grief connected with a loss, which cannot be openly acknowledged, publicly mourned or socially supported. Here, the emphasis is on the unrequited entitlement to grieve.

Applying disenfranchised grief to the experiences of birth mothers, Robinson (1997) notes that: “They have no rituals to assist the grief process. They are unable to achieve resolution because of the absence of finality involved in their loss. They are denied social supports. They have no opportunities to express their grief. Their grief is seriously affected by their feelings of guilt and shame” (p286). Protocol demands that their grief remain hidden. This is grief resulting from a loss, yet confusingly for the birth mother, the loss may seem to be reversible, because of the possibility of reunion with the child.

Nathalie Troland refers to the impact of disenfranchised grief on the unwed single mother: “If the pregnancy and relinquishment were kept secret, that secrecy prevented any open acknowledgment of the loss. The grief was not socially supported, particularly since the birth mother had placed herself in a position that was unacceptable to society. She was to blame and therefore had no right to grieve. The birth mother was an embarrassment to her family and others, so the grief could not be publicly mourned. She had to pretend that the birth and the loss of her child never happened. In addition ... the mother-child relationship was not recognised, and, therefore, the birth mother was not recognised as a legitimate mourner; the loss of her child was not considered real” (2000, p9).

Robinson (2002) goes further, addressing the issues of concealment and recognition. “The grief of mothers who have lost children in this way is usually suppressed. Many mothers state that they did not feel that they were entitled to grieve the loss of their children ... there were no rituals and there was no gathering of the community to comfort them at the time of separation from their children” (p58). In the same article, about post-adoption grief counselling for birth mothers, Robinson acknowledges that “a number of women had been led to believe that grieving for the loss of their child was itself a sign of inadequacy on their part, making them reluctant to admit to their ongoing pain” (ibid). This, Robinson (2001a) observes, has consequences for birth mothers. “They usually have difficulty dealing with subsequent losses, because they did not learn how to grieve productively in what for most of them was the first major loss in their lives ...” (p3). There is another compounding factor. Van Keppel et al (1987, p4) record that a birth mother’s “sense of loss is typically strong and long-lasting”, an observation that parallels a finding of the 1984 study by Winkler and van Keppel, which

showed that approximately 50 per cent of a group of birth mothers studied reported an increase in their feelings of loss over time. As noted by van Keppel et al, “relinquishing a child for adoption was the most stressful life-event birth mothers had ever experienced” (1987, p3).

There are additional, recurring emotional peaks. It has been long recognised that Mother’s Day is difficult for birth mothers. This is the day when they see those around them, who are blessed by being in integrated families, celebrate the role of motherhood. For the birth mother, separated from her (sometimes only) child by adoption, the day reinforces her grief, because painful memories may be foremost. Often, this pattern is repeated on each birthday of her child.

That birth mothers suffer from post-traumatic stress disorder is barely recognised by the public nor do some grief counsellors realise that this affliction can be related to adoption separation.

Of the benefits of seeking qualified professional help to address the loss and grief, Robinson says: “Considering that many mothers come to [counselling] feeling guilty and ashamed about having become pregnant, about having allowed their babies to be adopted and also about the fact that they are still suffering from their loss, this [understanding and acceptance of their feelings] is often felt to be a major achievement” (2002, p61).

Robinson also draws parallels between the disenfranchised grief experienced by adopted persons and their mothers.

“Adopted people, like natural mothers, lack a concrete focus for their grief, as they usually have no conscious memory of their natural mothers. There is also no finality to their grief, as they know that they have other families somewhere and that they will always, in some way, be a part of these families. Adopted people lack any rituals to facilitate their grieving, as they were not intellectually aware at the time that the adoption took place ... Like their natural mothers, they have often not expressed their true feelings of loss and so too often the assumption has been made that those feelings did not exist. As their natural mothers appeared to ‘get on with their lives’ and often showed no outward signs of their inner turmoil, so adopted people often appear to be content with their lot and show no obvious signs of grieving” (2003, p114).

A skilled counsellor has the capacity to identify and address the grief experienced by adopted persons, which often centres on issues surrounding identity (‘I have two birth certificates and two names – who am I?’) and perceived rejection (‘My mother did not keep me, therefore I must have been flawed’).

Since records were kept, there have been over 250,000 adoptions in Australia. The numbers peaked in 1971-72, when 9798 adoptions were recorded in one statistical year. Since 1991-92, there have been less than 1000 adoptions per annum. Given that the peak was less than forty years ago, there are significant numbers of persons with adoption experiences (remember for every adoption, there is an adoptive person, two birth parents and two adoptive parents, not counting siblings and spouses) who could benefit from post-adoption aid. We recommend that subsidised counselling by suitable, qualified professionals be made available to the adoption community throughout Australia. The requirement of these services in rural and regional areas is acute. It is the experience of

VANISH in Victoria that the majority of our clients live in locations remote from Melbourne.

The Commonwealth can play key roles - 1) to acknowledge that the separation of parent and child through adoption can and did cause distress to the participants, irrespective of the jurisdiction under which the adoption order was made and 2) this nation has a duty of care to those who have been damaged by past adoption practices and counselling is a concrete, responsible demonstration of reparation.

On the same basis, we recommend also that Commonwealth funding be made available to facilitate the convening and running of post-adoption support groups. Many people with adoption experiences have found, in the few places where such support groups are held, that the sharing of common experiences has helped them validate their personal narrative. Effective support groups demonstrate a balance between a) the sharing and recognition of allied experiences, and b) acknowledging diversity and presenting the opportunity for the individual to explore his or her own adoption experience, ie they enact self-help. Support groups are most effective when in the hands of a skilled facilitator, a person capable of helping people help themselves (Coles, 2010). A counselling background may assist here.

Make NICAAG more representative of the adoption community

At a federal level, there is already a body that has the capacity to keep the government informed about the impact of adoption. This is the National Intercountry Adoption Advisory Group (NICAAG). As the name suggests, the primary focus of NICAAG is intercountry adoption, for which the Commonwealth has the responsibility of policy setting and oversight. To determine the future of Australia's intercountry adoption policy, we at VANISH believe it is vital that the Attorney-General for Australia be made aware of the long term outcomes of adoption separation, which is available as experiential and research-based knowledge acquired over many years. Because of the restrictive selection criteria which at present apply to the membership of NICAAG, it is probable that the Attorney-General is not receiving an accurate picture of the views of the Australian public or the Australian adoption community. In particular, we are concerned that the voices of those who witness, through first-hand experience, the impact of adoption on adopted persons and birth parents, as well as the professionals working with these people, are under-represented within NICAAG. Broadening the representation of NICAAG would help the Commonwealth understand the consequences of adoption for mothers, fathers, their families and children and assist with the preparation of a national framework to assist the states and territories.

Promote the National Minimum Principles of Adoption

The essential tenets of the yet to be ratified National Minimum Principles of Adoption are:

Adoption is a service for children who require care, not for adults wishing to acquire the care of a child.

A child has the right to be brought up within their birth family, wherever possible.

A child has the right to be considered for placement within the extended family prior to

placement outside his or her family.

A birth family has the right to community and government support to allow the child to be maintained within the family.

Children who cannot be brought up within their birth family are entitled to grow up in a permanent, secure and loving, family environment. An adoption order should be granted only if adoption is considered to be the best option and in the interests of each particular child.

[Note: the final wording may be different, as VANISH has access only to a draft document]

There are two key elements here: the interests of the child are paramount and preserving families is the top priority. We believe that these principles should be communicated throughout Australia to remind all about the place of adoption in discussions about families. The respective federal, state and territory ministers, through the Community and Disability Services Ministers' Conference (CDSMC) are the appropriate persons to ensure that the National Principles are binding.

Deliver a federal apology

This is the matter for which the Commonwealth stands to achieve the greatest legacy. VANISH applauds the West Australian parliament for, on 19 October 2010, apologising for past wrongful adoption practices in that state. However, it is a fact that single mothers often moved interstate during their out-of-wedlock pregnancies (to hide their shame and/or minimise embarrassment to parents). Therefore, in the case of the West Australian apology there were many women who had returned to live in the eastern states; they were not able to be present at Parliament House in Perth. The issue of the mobility of birth mothers loses potency if an apology is made by the Commonwealth parliament and broadcast across the nation. It is important that the apology also embraces birth fathers, adopted persons and extended family. For adopted persons who have a foggy appreciation of the social climate that prevailed until the mid-1970s, hearing that forced adoptions were commonplace may provide benefits for the birth parent-adult child relationship, whether or not they are in contact.

There is evidence about the healing power of a nationwide apology from two sources: the apologies made to the Stolen Generation (in 2008) and Forgotten Australians (in 2009). These were truly moving and significant occasions. These apologies were made against the background that Aboriginal children are no longer forcibly removed from their kin and the practices of institutionalised care and child migration are of the past. In a national apology to the adoption community, there must be an acknowledgment that separation by adoption causes distress; henceforth the Australian Government will dedicate its resources to keeping families together. Any apology needs to confirm that the lessons of the past have been learned; that the Commonwealth's resources are to be redeployed in the name of family integration. At a federal level, this would mean a commitment to phasing out intercountry adoption, as this practice is based on separating a child from their original parents. Without this undertaking, any national apology will be undermined.

Aim for harmonised legislation

Like the population at large, persons with adoption experiences are mobile. In the case of the latter group, there is an added complication. Many birth mothers, birth fathers and adopted persons no longer reside in the Australian state in which the domestic adoption took place. The access to identifying information (adoption records, birth, marriage and death certificates) provisions that apply in the state where they now live are typically subtly different to those that prevail in the state in which the adoption took place.

Unlike every other state and territory, birth parents whose child was born in Victoria do not have access to identifying information. This is an unfair disadvantage for Victorians, determined by where the adoption took place. Further, some states have veto provisions, whilst others do not.

If there were uniform access-to-information laws and the consistent application of these (via Births, Deaths and Marriages) across Australia, where the adoption took place and where people now resided would be irrelevant; adopted persons and birth parents would be treated equally across the nation. At the 2010 National Meeting of Post-Adoption Service Providers, the participating organisations voiced their frustrations at the non-uniform (between the states) and inconsistent (within a single jurisdiction) application of provisions relating to access to birth, marriage and death certificates. Such is the level of dissatisfaction that a working group with the aim of achieving a national approach to this matter was advocated. The difficulties created by the present variability have an impact upon not only the relevant post-adoption service providers, but also the service users, ie those very persons who were separated by adoption.

Disseminate the findings of national studies

To quote: “On 4 June 2010, the Community and Disability Services Ministers' Conference (CDSMC) announced that Ministers had agreed to a joint national research study into past adoption practices, to be conducted by AIFS. The focus of this study will be on understanding current needs and information to support improved service responses. This is the largest study of past adoption practices ever conducted in this country.” The results of the Commonwealth funded study by the Australian Institute of Family studies, due to be completed in 2012, should be broadcast widely.

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