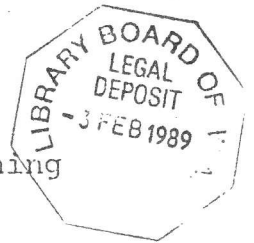


86 YEARS OF ADOPTION PRACTICE - WESTERN AUSTRALIA



A Brief Talk on Adoption to the Australian Relinquishing Mother's Society by a natural mother, October, 25, 1982.

Our system of Adoption of Children is a legacy from the Victorian era. It was first introduced into the Western Australian Parliament on the 14th of July 1896, by Mr. Moss who said:-

"The Bill provides for the legal adoption of children, for which there is no provision at the present time".

Clause 8 of the Bill provided -

"That any property rights of the child inherited from the (natural) parents shall hold good, notwithstanding that it has been adopted".

The Honorable Wittenoom said of the Bill:

"It is to provide for the adoption of children and to see that when they are adopted they cannot be taken away - when perhaps they are becoming USEFUL".

The Adoption of Children Act was based on a system already in existence in New Zealand.

Since 1896 there has been a long list of amendments made to the Act. We know what is in the Act now, but it was considered a worthwhile exercise to go back and see what changes had been made over the years, why the changes had been made and what Parliamentary Debate took place at the time the change in law were made.

This has been done by checking through the W.A. Hansard Records from 1896 to 1982 and noting anything that was said on the subject of adoption.

Here are just a few points of interest.



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In 1916, it was agreed that an unmarried person or

a widow could adopt a child.

Mr. Underwood commented "In some cases such facilities will be of advantage to the State."

The SECRECY in adoption was first introduced in 1921.

Until 1921 adoptees retained their full birth name, both Christian and surnames, and the surname of the adoptive father was then added to the end.

This right of the adoptees to their original name was removed in 1921 when adoptive parents lobbied their Members of Parliament.

Here are a few quotes from 'Hansard'

The Colonial Secretary - 8th September, 1921:

"- Section 10 provides that the order of adoption shall confer the surname of the adopting parent on the adopted child in addition to the proper name of the child."

"We have had parents who were anxious to adopt a child, refusing because the proper name of the child had to be shown."

Minister for Education - 20th September, 1921:

"The objection is constantly raised that the adoptive parents want the child to bear their name and their name only. In many instances the family history of the child's actual parents reflects discredit on those parents."

Honorable H.P. Colebatch - 8th September, 1921:

"When people wish to adopt a child particularly an infant, they shall wipe out the past altogether and the child shall be brought up as their own child unencumbered by any other name whatever."

"In practically every case it is the wish of the adopting parent that this provision of the Act which compels the child to take its original name as well as the name of the adopting parent, shall be repealed."

Perhaps natural mothers, would like to see the repeal repealed.

In defence of Secrecy and the change of name the Honorable J. Duffell said:

"The actual father of the child may have been a thief or a murderer. Why should the child's record be open to prying eyes?"

The Honorable A.J.H. Saw used the words "Vicious, Drunken, and Criminal" when referring to the child's natural parents.

As you can see - the viewpoint of the relinquishing parents was neither sought nor heard when the laws on secrecy were made 61 years ago - and still we are all forced to comply with the laws made at that time.

On the 21st of September, 1921 Mr Lovekin pointed out

"Last year there were 87 adoptions - that meant a saving to the State of £22,000.

Parents who adopt these children have a strong objection to carrying on the name of their forebears, and when persons adopt such a child they want to keep it quite clear as their own child - we should guard them if we can."

I wonder if you feel as angry as I did, when I first learned of the original reasons for the secrecy in adoption.

Only one man showed any foresight at the time the amendment was passed. The Honorable Stewart said:

"I am not satisfied that the principal Act itself is all that it should be, or that the Bill now before us meets the position in the way the Government think it will. Evidently the matter has not been as fully considered as it might have been."

And again he said

"- we are not justified in covering up the position irretrievably."

Unfortunately he was talked down in the debate and adopted children lost the right to retain their original surnames.

In 1926 a further amendment was made to the Act to prevent adult adoptees from discovering their original identity when they applied for a birth certificate.

A provision was made so that the original register of birth could not be opened for inspection except with the approval of the Registrar General.

Many adult adoptees have requested their original birth certificates, some of them 50 or 60 years of age and with good reasons for wanting to know their identity, yet we know of no case where the Registrar General has exercised his right to give that approval.

We do know that some elderly adoptees have become so fed up with the conspiracy of secrecy and silence in adoption that they have gone so far as to request that their adoption be annulled.

Earlier this month I heard the stories of 2 mothers who had given birth in 1927 at the Alexandra Home for Women in Perth (now transferred to N-GALA - in South Perth). Both women say they were made to breast feed their babies at the Home for a period of 3 months before having to give up their babies for adoption.

When some complained at this deprivation of their liberty they were told it was "all part of their punishment." Further case histories indicate that this practice continued into the 1950's here in W.A.

Again in 1927 at Alexandra Home, when the women signed their adoption papers, the Matron made them take a sacred oath with their hand on a bible and swear that they would never go looking for their child. Some elderly Perth citizens still feel bound by the terrible oath they were made to take many years ago, even though they long to know the child they bore.

This sanctimonious conduct on the part of the authorities was obviously widespread and continued for some time.

We have one member who says she was made to do the same thing in 1970. She gave birth at the Crown Street hospital in Sydney. She told me:-

"When I returned from the hospital to the Home, the social worker was there waiting for me - with the Adoption Papers in one hand and a bible in the other. She signed the Consent to Adopt papers and was then made to take an oath on the bible, never to search for her child.

1945 saw an amendment to the Act to prevent an adopted "child" from obtaining his original birth certificate if born in another State. A reciprocal arrangement was made with the other States and with other territories of the Commonwealth for the notification of adoptions.

The child had lost his right to know or use his original surname and lost his right to obtain his original birth certificate, however he retained his right to his original christian names until 1949.

Then this right also was removed. The adoptive parents expressed their desire to bestow a new christian name.

On the 26th July 1949, the Minister for Local Government explained that -

"at present this can be done only by order of the Attorney-General under the Change of Names Act. This is a very cumbersome method, and it is therefore proposed that when the judge makes the Order of Adoption he may make an order giving the child another christian name."

In August, 1949 there was also a discussion in Parliament on the Secrecy in Adoption and the risk of possible incest between brothers and sisters unaware of their blood relationship.

The Minister for Education said finally

"I concluded it was better to allow the matter to stand, because no remedy that I could see could be found to meet the position."

"Whatever precautions are taken, the risk will remain."

Natural mothers have the answer to this problem.

Give back to the adopted children the right to know their true identity - and to the natural parents, the right to know their child's new name - and the problem will dissolve!

In 1959 there was an amendment to ensure amongst other things, that adoptive parents did not have tuberculosis when they adopted a babe.

One M.P. claimed that this was "shutting the stable door after the horse had bolted". The damage had already been done. T.B. had been reduced to an absolute minimum.

T.B. is just one cause of infertility - hence the high incidence amongst adoptive parents.

"A shortage of babies available for adoption" was also mentioned in Parliament in 1959.

In 1964 there were quite a few changes made to the Act. Though these amendments were passed in 1964, they were not proclaimed until the 4th of March, 1970 and did not come into effect until the 1st of May, 1970. The reason for this incredible 6 year delay was explained by Mr. Logan on 16th September, 1971, when he said "One of the greatest problems of the Department is the shortage of staff to do the work. This is one of the reasons for the long delay which occurred before the 1964 legislation was brought down."

The shortage was apparently due to a lack of Government money to cover the wages of a bigger staff.

I wonder just how many adoptions took place in W.A. during that 6 year delay? An approximate figure would be around 3,000 I believe. I know I lost my own son during that period. I noted that when referring to the child given up for adoption, Mr. Logan often used the term "the UNWANTED child". May he be forgiven for his ignorance!

One effect of the 1964 amendment was to drastically reduce the period of time in which the natural mother had to revoke her consent to the adoption - to a set period of 30 days only. Prior to this date, the mothers had up until the moment when the adoption was granted - approximately 12 months and in some cases 18 months, in which to revoke their consent and reclaim their child.

This sounds generous, unless you understand that the natural mothers who gave up their children prior to the 1st of May, 1970 were often never told that they had the legal right to revoke their consent at all.

They were led to believe that once their signature was on the adoption papers, it was irrevocable. Natural mothers in the 60's and earlier were denied their legal rights simply because they were never informed of them.

Unmarried mothers also had a right at this time to claim Social Service Benefits totalling £7.2.6 per week. This benefit would have enabled many mothers to keep their children. Tragically, they were denied this benefit for many years because social workers of the Department failed in their duty to inform them that such assistance was available.

For verification of the existence of this benefit see Hansard 25th November, 1964.

During the same period, unmarried mothers were also denied the right to see or hold their child. It was whisked away from them shortly after birth, and some mothers even had a sheet thrown over their heads during the birth so that they could not even catch a glimpse of their child.

At King Edward Memorial Hospital, as with most maternity hospitals at the time, it was the practice to transfer the unmarried mothers to the hospital annexe within hours of the birth. This was done to separate the women from their babies, and carried out against the will of the patients. Much begging and pleading was done by the women but they were never permitted to see their babies. The most any of them ever achieved was a glimpse through a glass window.

I would ask - how can anyone be said to have made a 'reasonable' decision to adopt out their child when they



have never even been permitted to see or to hold that child?

In denying her access to her child the authorities were applying duress upon the woman to give up her child.

Since this policy has altered in the last few years and unmarried women have been allowed the same rights to see and hold their babies as the married women, there has been a dramatic drop in the number of babies available for adoption. From 670 babies in 1969 to 99 babies in 1981,

Of those 99 that placed a child for adoption in 1981, we know that some of them already regret their decision and would have preferred the options of foster care, permanent legal guardianship or similar arrangements. These options were not offered to them. The long years of heartache and anguish ahead of these women are known to many of us.

Our system of adoption at present has a large group of people patiently standing in line ready and willing to relieve young mothers of their babies if they should find themselves in difficult circumstances. How much better if the system could concentrate more on counselling and helping these natural mothers to retain their own children, rather than providing a service to infertile couples.

Society has conditioned young unmarried mothers into believing that to give away a child to a total stranger is the normal and expected behaviour.

Does one group of citizens have a right to expect to be given someone else's child?

If they have been given such a child - do they then have the right to demand absolute secrecy throughout his childhood, declining to give back even a small

fraction of the joy and happiness they have been given with the gift of that child, in the form of ongoing information and perhaps the occasional photograph?

Bear in mind that the secrecy laws in W.A. have always been a one-sided arrangement. Until mid 1970, the full names, addresses and occupations of both the natural mother and the natural father had to be shown on the Application to Adopt form - and this was read and signed by the adoptive couple.

This information can be confirmed if you read the Hansard records dated Thursday the 12th August, 1965 where Mr. Graham asked the Minister for Child Welfare -

"Where a married couple wish to adopt a child, is it essential that the names, addresses and occupations of the natural parents should be shown on any of the documents which are viewed by the married couple?"

Mr. Craig replied "Yes".

Even today the adoptive parents are still told the child's original names and thus are informed of the mother's surname - which logically is the same as the child's original surname. So in fact, the protection of the natural mother's privacy is a myth. All the talk we have heard recently about protecting the privacy of the natural parents is just so much poppycock! The natural mother's surname has always been known by the adoptive parents - though the CHILD is usually kept in ignorance. However, the natural mothers are never told the names of the strangers who adopt their babies.

It is the adoptive parents only whose privacy is protected.

As the adoptive parents of your children adopted before 1970 were informed of your names, addresses and occupations - then you have a right to demand the same information about

them from the Director of Community Welfare. If you don't demand it - they are never going to give it to you!

It is my personal belief that even though the child may be given up for adoption, the natural mother should retain the right to know who he is, where he is and how he is. To be denied this leaves the mother feeling humiliated and without dignity. Add to this her feelings of grief and loss at having to give up her child in the first place and you have an unbearable situation. It is little wonder that so few women have been able to discuss this openly with others, until recently.

What of 1982-83?

It is up to you.

Natural mothers have never been consulted as to what they would like to see go into the Adoption "Agreement". In 86 years of adoption practice your point of view has never been presented to the law-makers.

As an organised body, you can have a voice, for the very first time.

Thank you.