

FEDERAL INQUIRY INTO OVERSEAS ADOPTIONS
FORMAL SUBMISSION

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South Australia

TO WHOM IT MAY CONCERN

We, Michael David Potter and Danielle Rae Potter, wish to present this formal written submission to, and also appear before, the Federal Inquiry into Overseas Adoptions.

We were both born in South Australia and are Australian citizens.

We lived and worked as teachers in Nairobi, Kenya for over twelve years between December 1987 and July 2000 before returning to Australia to live.

We have five children, Leah, Benjamin, Haylee, Daniel and James. Our first three children are our biological off-spring and are Australian citizens by descent, having all been born in Nairobi, Kenya. Daniel and James are our children by adoption, and are Kenyan citizens by birth and are permanent residents of Australia. They were legally adopted by us through the High Court of Kenya.

During the twelve years that we lived in Kenya, we had the opportunity to support two non-government, non-profit organisations that cared for abandoned or orphaned children. These are Testimony Faith Homes and New Life Homes.

Testimony Faith Homes, located in Eldoret, a town some 300kms north-west of Nairobi, was established in the late 1960s and has provided a home, food, clothing, education, medical care and love to hundreds of orphaned children over the past three decades. Children are admitted to this home only after it has been established that there is no immediate relative able to be located or able to provide for them. Many of these children have been found abandoned through poverty, but more recently have been orphaned through the AIDS pandemic that has affected much of Eastern and Southern Africa. Our interaction with Testimony Faith Homes commenced in 1988.

New Life Homes, established in 1994, was founded to provide a response to the increasing number of abandoned or HIV positive babies within the Nairobi region. Since that time, New Life Homes has developed "sister" homes in three other regional centres in Kenya, and has admitted over 600 babies into its care in the last 10 years. Of this number, almost 500 have been adopted out by expatriate families living in Kenya, or more recently, by Kenyan families wishing to provide a home for children such as this. Of the babies that have arrived at New Life Homes HIV positive, over 90% have turned negative as a result of the care, love and medical attention received at the Home.

Michael and Danielle witnessed the state of many of the children when they were first brought to New Life Homes. Most were in an appalling condition but made a rapid recovery once they received adequate care, love and attention. Sadly, some came too late, but we had the privilege of watching them loved and cuddled into eternity by the team at the Home. The nurses and care-workers were determined that they would die with dignity.

Michael and Danielle, along with our three children, developed a strong relationship with New Life Homes in 1995, and this continued until we left Kenya to return to Australia in 2000. In 1996 we meet Daniel Stephen, a Kenyan boy born in a rural area 150kms north of Nairobi. He was found by a policeman and taken to a local clinic. An investigation by the authorities failed to discover the identity of his parents. Daniel was then transported to Nairobi and was cared for at New Life Homes until he was six months old, when he became a part of our family as a foster child in August of 1996. In mid-1997, the High Court of Kenya approved our application to become his legal parents.

James Andrew was born approximately 10 weeks premature on a local bus in 1998, and was then left at one of the local hospitals in Nairobi. Once again, an investigation to find James' biological family proved fruitless. James survived his first weeks in an incubator, and was then transferred to New Life Homes where we met him. He became a foster child in our home in October 1998, and the High Court of Kenya approved our application to become his legal parents in mid-1999.

The Australian High Commission granted our application for both Daniel and James to become permanent residents of Australia. Both Daniel and James have lived with us since they were a few months old. They have now lived more than half of their lives in Australia. They have always been as much a part of our family as our three natural-born children. Leah, Benjamin and Haylee were fully involved in the decision to foster and adopt Daniel and James.

Daniel and James have had no more trouble adapting to living in Australia than the rest of us did, returning from another country after so many years. They know and understand that they are adopted and that they are a different colour. However, they are well-adjusted, happy children who attend school, have great friends and have been entirely accepted into both their local communities at school, sport and church and by the wider community.

Unfortunately, our story is not what happens to most of the estimated half a million abandoned or orphaned babies in Kenya. Most do not end up in Testimony Faith Homes or New Life Homes. Most do not have the opportunity to be adopted by either people of their own country or by families like us. Many of those that are abandoned are left in paddocks, in the bush, in rubbish dumps, down pit latrines, in gutters, or near wild animals. Many die of exposure, are eaten by mammals, rodents or insects, or die from deliberate harm by human hand. Some are left in hospitals, or are left as orphans when their parents die of poverty, disease or the AIDS pandemic. Many survive and become street-children in the major towns and cities. It is estimated that Kenya now has over 2 million street children. Most street children

survive by begging, stealing or through child prostitution. They are under-nourished, un-educated, and survive from day to day as best they can. Many are addicted to glue or petrol-sniffing.

In 1992, Michael found a small baby boy lying dead in a black plastic bag. This little boy had been dumped on the side of the road near Michael and Danielle's home. As distressing as this was, it was made even more so when the local authorities arrived and unceremoniously shovelled the little body onto the back of a truck. This scene, while quite incomprehensible to most Australians, is unfortunately by no means uncommon.

When we were in Kenya last year, we met two street boys called Richard and Weke. They were about 13 years old. They were brothers. Their parents had died of AIDS. They sold plastic bags in a second-hand market for 20 cents per bag. They lived in rags. They rarely ate. They will never go to school, never learn to read, never ride on a skateboard, never drink Coke from a can, never see a movie, never wear a pair of boxers, never listen to music on a walkman, never play with a real soccer ball, never see a wild African animal in their own country. Their future is bleak. The combined effects of glue and petrol sniffing, malnutrition, the harshness of living on the streets, disease and poverty give little opportunity for hope.

The situation facing Kenya, and many other African nations is undeniably of the gravest concern. It is in this context that several important points need to be addressed when considering overseas adoptions by Australian families.

1. There are far more orphans and abandoned babies in Kenya than the Kenyan authorities can adequately cater for. The plight of abandoned or orphaned babies and children in Kenya cannot be underestimated.
2. These abandoned or orphaned babies are not being offered up for adoption by families living in poverty. These babies are not being sold. These babies are abandoned or have no family.
3. Every effort is being made by the Kenyan authorities to reunite abandoned babies and street-children with their own extended families if there are any still living.
4. Kenyan families are beginning to adopt abandoned or orphaned babies, and this is to be commended and encouraged. However, this response is totally inadequate in meeting the overwhelming number needing to be placed into families.
5. Local expatriate families continue to adopt Kenyan children, but this to, makes barely a ripple in the sea of orphaned and abandoned babies crying out for a loving home.
6. New Life Homes has established a fully functional and professional Adoption Agency that works with the Kenyan authorities and the Kenyan legal system, and has the resources to oversee adoptions to families living overseas. They have already established networks with other countries, including the United States of America and several European nations. Overseas adoptions are already occurring in this manner.
7. Those in Australia advocating that children should be left to grow up in their own culture and race clearly have no understanding of the ramifications of

that position. We would be the first to support such a position if Kenya had the resources and infrastructure able to adequately deal with 500,000 orphans. It would be wonderful if every Kenyan orphan or abandoned baby was able to be adopted into a Kenyan home. However, the stark reality is that such a position bears no resemblance whatsoever with the real situation in Kenya, or many other countries, especially in Africa. Kenya cannot deal with this situation alone. No country could. There are many wonderful Kenyans doing all they can to provide homes for their orphans. We had the honour of working with them and supporting them. However, the need is too large. This issue has nothing to do with comparing or preserving culture or race. This issue has everything to do with trying to provide some solutions to an almost impossible situation.

8. Those advocating that children adopted by families from another country, and growing up in a nation unlike their own, face potentially devastating hurdles as they grow older have also misunderstood the reality of the situation. Surely, the alternative of leaving them in the state they are in is far worse than placing them in a loving home, with loving parents who will provide them with an education, decent clothing, opportunities to use their gifts and talents, and pathways to future careers and lives and families of their own. It is clear that they may face some tough days, maybe tougher than most children face. We understand that our boys may. But they are our boys. We love them and will continue to love and support them just as we will our other three children, and we will face the tough days together.
9. Much is said about our duty of care to children who may be adopted from overseas and that this is our first priority as a nation. We agree. What has not been understood is that our fundamental duty of care to those children is to ensure that we provide every opportunity for willing families in our country to provide a home for them. That must be the goal. That must always remain uppermost in our consciousness and be the foundation of the processes put into place to support that goal. Clearly, there must be processes that stand up to scrutiny to prevent children from being abused, and that will identify and prevent access to the adoption procedure to those that prey on children. However, the prevention strategies must not become the goal in and of themselves. The priority must be the provision of life and hope and family and opportunity and education and love to those that have been abandoned.
10. There are hundreds of families in Australia who would gladly open their homes to abandoned and orphaned babies from around the world. Surely, Australia should, and must, do all that it can to enable that to become a reality. We know that none of those families are perfect. We are all fallible and face difficulties in our own lives. There is no child who has ever lived who has had perfect parents or brothers or sisters. But most of us are thankful for our parents, and our brothers and sisters, and our extended families. We have an obligation to those that have been abandoned that we give them the same opportunity.
11. Australia has the opportunity at this time to make a substantial statement about the plight of millions of children around the world. As a nation, we have the chance to again show leadership in the way a country responds to the devastation and consequences of poverty and disease. All of Australia was galvanised by the plight of those affected by the Tsunami on Boxing Day,

2004. We were all touched by the effects this disaster had on the lives of so many, but especially the children of the affected regions. It is important to remember that the future that many of those children now face is the reality for millions of other children around the world all the time.

12. A fresh perspective needs to be brought to the issue of overseas adoptions. This perspective needs to consider the state, opportunities and risks of the conditions they will be abandoned to if they are NOT adopted into a family, whether this be overseas or locally. In Kenya, a child that is not re-united with his or her family (if there are any still living), or is not taken care of by an orphanage such as Testimony Faith Homes, or is not adopted out from organisations such as new Life Homes, are condemned to a life of poverty, despair, malnutrition, disease, begging, theft, drug abuse and sexual abuse. It is our view that active support for overseas adoptions is the only morally defensible position for Australia to take.

We respectfully request that the Federal Inquiry into Overseas Adoptions addresses the following points.

1. Australia needs to lead the way in actively supporting and sponsoring overseas adoptions.
2. Australia needs to develop protocols with more nations that are signatories to the Hague Convention to widen the opportunities for overseas adoptions to occur.
3. There needs to be a consistent, clear adoption process across the nation that actively supports overseas adoptions while taking due care to protect the rights and safety of the children involved.
4. The process involved in adopting from overseas needs to be radically overhauled. It takes far too long, is far too expensive, and actively discourages families from adopting rather than encouraging them to.
5. Criteria that qualifies, or disqualifies prospective families from adopting from overseas needs to be clear, concise and justifiable. Prospective families should be supported as much as possible unless there is clear evidence that they are unsuitable.
6. Families that adopt from overseas should receive certain incentives for doing so, as is done in other countries.

We were once told we were wasting our time adopting African children. The problem was too big. We agree that we can't solve the whole problem. However, we have made a difference for two children and that's worth everything.

Michael and Danielle Potter,
Wednesday, 13th April 2005