

**STANDING COMMITTEE ON HEALTH AND FAMILY SERVICES
INQUIRY INTO OVERSEAS ADOPTIONS**

Submission

From Ms Anita Fratel

**[REDACTED]
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Dear Committee

I am the adoptive mother of a two year old boy Yash, adopted from India four months ago, and welcome the opportunity to comment on issues regarding intercountry adoption from first hand experience.

The Australian government is encouraging citizens to have more children, and rightly so given our ageing population and low birth rate, however the adoption process is inefficient, slow, unnecessarily beurocratic, discriminatory and does not appear to always have the best interests of children or parents in it's processes.

1. Each state has differing adoption laws and processes. This poses inherent difficulties such as:
 - Different states offer different countries to adopt from. If you live in Victoria you can adopt from Columbia, Lithuania and Brazil. If like my husband and I live in Western Australia you cannot. Simply because our state has no "contacts" in these countries and other states wont share their information.
 - Fees are different in each state, some by thousands of dollars.
 - Qualifying criteria of prospective parents differ (ie age).
 - Quality of service differs (adoptions are much quicker in some states than others).
 - Choice of adoption agency is only provided in some states.
 - It confuses foreign adoption agencies.

2. Attitudes to adoption are negative within many public sector staff working in the area. Our first contact with the only adoption agency in WA, the Department for Community Development, was an information meeting of over three hundred prospective parents held once per year. At the meeting we were all informed that DCD do not "believe in or promote" adoptions, and that all children (even those destined for life long orphanage care) were better off remaining in their own countries. They advised that adoption was terribly difficult, impossible for most couples and the best thing we could do was send money to these countries for them to spend on their children.

If you wanted to persist they advised that the process was extremely prolonged, costly and they (DCD) couldn't spend many valuable resources on the issue, as their priority was child protection.

Similar views were expressed by public sector agencies at an international adoption conference we attended, held in Adelaide last year.

3. Beurocratic inefficiency is rampant.

Various bungles and misinformation occurred to us, and many other applicants along the way. Such as:

- There is no culture of customer service. Much of DCD's communication consists of phrases such as "you must", "don't contact staff as they are busy", "no other staff member can assist with your query".
- Various committees required to meet to approve aspects of your application meet infrequently (WA Medical Approval Committee meets six weekly and breaks for 8 weeks over Xmas) and then request further information, which cannot be acted upon until the next meeting. Couples can wait over six months for this part of their assessment to be approved, only because such committees meet so infrequently.
- DCD lost original documents which we had paid over \$600-00 to obtain and have a public notary sight and authenticate, they then gave us a list of incorrect documents required. This happened to three other couples that I am aware of.
- They wrongly advised our status to the Indian authorities delaying the process by four months. Our status was only confirmed after I wrote to the Indian authorities to clarify what was already available on their website. After politely advising DCD of their error, the next couple were advised wrongly as well.
- They were not up to date with regard to intercountry requirements or procedures, even though they are readily available on the internet
- Staff turnover is high, thus creating no continuity for prospective parents and adopting countries. We have had nine case managers in three years for our son's adoption
- Staff knowledge and expertise is poor. Most staff we dealt with had never undertaken an adoption before, had little knowledge of the country you are adopting from (culture and custom) and had just recently joined the agency from another area. Interpretation of medical developmental documents and assessments were incorrect having been made by a non-medical professional (Social Worker) yet greatly influenced their decision-making. An illness was attributed to my family as hereditary and significant, which was factually incorrect. Several aspects of our Homestudy were factually incorrect, and in fact related to other prospective couples. Your right to redress these errors is limited

- Much of their process and decision-making is done with secrecy. When a child is allocated to a couple, they are not informed until the Social Worker's decide their suitability, this assessment requires medical assessment being made by non medical professionals. Policies are either not provided upon request, or are "unofficial".
 - Staff are slow to respond to queries.
 - Staff do not foster consumer input or rights. After dissatisfaction with service we expressed a desire to lodge a complaint, only to be informed it would be pointless, would result in unwanted close attention being paid to us and take busy staff away from assisting other couples.
 - The WA Homestudy Assessment procedure has not been updated in over 10 years. Couples share the "correct answers" to questions just like students share the answers to stolen exams.
 - Overseas agencies lament the delays within the Australian adoption process and reiterate that children available for adoption greatly benefit from leaving institutional care as quickly as possible.
4. The Maternity Payment is not available to most adopting couples because most adoptions occur after a child reaches six months of age. It is therefore discriminatory between couples who have biological children and those who adopt.
 5. Australian Immigration Visa costs are higher for adopting couples than for children who are orphaned overseas joining family members in Australia.
 6. As most children arrive in Australia under the care of DCD, most adoptive couples then have to engage a solicitor to finalise the adoption process in the Family Court. A further cost burden.

I feel that the Australian government could better assist couples who desire to adopt by

- Encouraging a more balanced view and attitude towards adoption by the public sector.
- Discuss with adoptive countries and other international receiving countries how to improve the adoption process with regard to speed and service delivery to the children and prospective parents.
- Separating the service provision from the Department for Community Services/Development to an agency with a different culture and renewed attitude and customer focus.
- Private not for profit adoption agencies within Australia should be encouraged. They are very well regarded for their efficiency, dedication to good outcomes for children, staff stability, familiarity with intercountry agencies and customs, and mature approach. Adoptive couples should be offered choice with much of the adoption agency role. (NB. The WA Govt called for expressions of interest with regard to applications from private associations for adoption agency licenses 2 yrs ago and has not made a decision yet, surpassing it's own imposed deadlines twice)

- Allow the payment of the Maternity Payment to couples who adopt children over the age of six months
- Review immigration Visa costs and consider a reduction or waiver
- Review whether each state requires a different adoption law / service / program or whether centralisation of adoption services would be of benefit and reduce costs, increase timeliness and service and create better outcomes.

In conclusion I wish to reiterate that couples who investigate adoption in Australia are often put off by government agency culture, the demands of the Australian procedures, costs and delays. Many couples that would make excellent parents and offer a much needed family life to a child are therefore excluded from the process by these barriers.

Our son Yash, as with many other intercountry adopted children, had a rough start to his life through abandonment, ill health, and institutional care. He should have been spared the additional burdens of bureaucratic bungling, avoidable delays and prevarication. Over eight months of his institutional care can be attributed to unnecessary and avoidable delays from the Australian authorities. Prominent and eminent American research demonstrates that minimising institutional care will minimise emotional and physical problems for these children. He does however have parents who adore him, a welcoming extended family and community and a future full of promise. He is the greatest gift in our lives and we will strive hard to meet his needs and give him a fulfilling and happy life.

Thank you for your consideration of the inter country adoption issue and I look forward to reading the outcome.

Yours sincerely

Ms Anita Fratel

25 April 2005