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The Chair  
Standing Committee on Family and Human Services  
Inquiry into adoption of Children from Overseas

Dear Ms Bishop,

I am a mother of two adopted children from Romania. Both our sons were institutionalised for most of their young lives previous to adoption and suffer various conditions because of their deprived background. They were adopted at just under five and four years respectively in two separate adoptions. We were living in Tasmania at the time but relocated to NSW last year in order my husband could take up an employment opportunity. We are now attempting a third adoption. Thus I have experienced the inter-country adoption system in one state and am coming to grips with the way it works in another.

Furthermore, I currently head an organisation called EurAdopt Australia which was set up to support those who have adopted, and are attempting to adopt, from Europe. This is a national organisation and we have representatives in most states and territories. Thus the following observations are not made through experience within the narrower confines of two states but have been gleaned from contact with families living all over Australia. I wish to emphasise this as I have nothing but praise for the staff of the Tasmanian Department of Health and Human Services who facilitated our adoptions and would not like the following to be taken as criticism of that state's procedures and practice.

Applicants approach inter-country adoption for various reasons including infertility, the failure of other solutions and the desire to expand a family without undergoing a pregnancy. The numbers of interested applicants are increasing and my belief is that there is a growing need for inter-country adoption. However, there are many inequalities in the system and state/territories have their own rules, requirements and prejudices. These are some of the areas I think need addressed.

1. **Age Limit.** The age limit for applicants differs between states/territories. Most seem to have settled on 55 years but I believe this needs to be standardised. Also, it is the age of the oldest applicant that determines eligibility and for what age child. This does not make sense if the primary carer (usually the mother) is significantly younger than the husband. I believe each case should be judged individually and that the 55 year age limit should be more a guideline than a rigid rule and that common sense should prevail.

**2. Programs for over 50s.** For various reasons applicants are approaching inter-country adoption late in life. These include the length of time spent on IVF programs that have not been successful and the length of time spent in the system awaiting processing. There are few programs for applicants over 50 years of age. (50 appears to be a benchmark age for many of Australia's donor countries and they are reluctant or will not accept applicants over that age.) At present the choice appears to be limited to China and the Philippines. The former is a very expensive program costing anywhere between \$35-40,000 and the latter involves a long wait as that country now has a long list of applicants. I believe more inter-country adoption programs are needed that will accept older applicants.

**3. Single women.** Despite it being legal in most states for single women to adopt some Departments are prejudiced against this so it does not happen. An easy way to judge the validity of this statement is to look at where it is legal and the number of adoptions by single women that have been carried out. An example is SA. I was told by a single woman who wanted to adopt that despite it being legal, the agency/Dept would not allow it and single women had to move to Victoria in order to achieve their dream of becoming a mother. I also know the first single woman to adopt from overseas in WA and the battle she had to bring it about. It appears to me that the rights of Australian citizens are being impinged on by the biases of individuals in the relevant Departments.

**4. Costs.** The costs vary from state to state. In Tasmania they were just over \$2000; in NSW they are now just under \$10,000. High costs are a huge obstacle to families wanting to adopt. It causes me to wonder how many children will not be united with a family purely and simply because of these costs. It puts the process in the area of 'service provision' but without any of the benefits of this. Such high sums of money would be much better spent on the child/children once they enter a family.

**5. Financial Aid.** There is no financial aid for families wishing to adopt. While it is not possible to do anything about fees set by donor countries, the Australian Government could aid with internal fees including the immigration fee, medicals and criminal checks. In the US the airfares are subsidised and this is also an option. However, the most logical and helpful way the government could assist with what is, after all, a type of immigration is to keep the departmental fees low and subsidise the immigration fee.

**6. Requirements for applicants.** I am finding to my cost that the requirements for applicants varies between the states. For example, in Tasmania the police check was simple and free consisting of a trip to the police station for a computer check. In NSW a full criminal check including fingerprinting is required at a cost of around \$180 each. My perception is that criminals are fingerprinted; not innocent members of the public just wanting to be parents. The health check also includes a measurement of body fat. Having adopted two special needs children and successfully met the challenges they brought with them, I am amazed that my fitness to parent is judged on how fat I am.

**7. Siblings.** It is notable that not very many sibling groups are being adopted into Australia despite the number in donor countries. There are huge advantages to all parties

in the adoption of sibling groups. Children are not subjected to separation and applicants get an instant family that have common genetic and cultural roots. Also bonding between siblings has usually already occurred. Furthermore, applicants do not have to re-enter the adoption stakes with the associated frustration and cost or suffer the disruption further adoptions can cause to a family. I would extend this to include "bonded pairs" which relates to children who become firmly attached to each other while institutionalised or elsewhere before adoption. I know of only one case of a bonded pair adopted into Australia although I sincerely hope there are more.

**8. Family Reunion.** Unfortunately sometimes applicants arrive in a donor country to pick up their child/children and find out there are other siblings either institutionalised or otherwise. Attempts should be made to allow further adoptions to unite family members if this is in the best interests of the children.

**9. Older children.** There appears to be a great deal of prejudice about the adoption of older children into Australia. It is of note that the term 'older children' is fuzzy. The preferred age is 0-2 years and I believe older children are usually considered 6 years and over, however this leaves a group of intermediate children between the ages of roughly 3-6. Both my children come from this group and quite frankly I don't know whether to call them older child adoptions or not. I think the terminology needs to be addressed. My belief is that all children need a family and it is not in the spirit of the Hague Convention to deny them. Yes, there are added risks to adopting older children but there are suitable families who would prefer this option. Some applicants actually have no choice because of age. I don't believe children should be discriminated against just because of their age. This also affects the adoption of sibling groups where one or more are older children.

**10. Processing Time.** The time taken to process applicants varies from state to state. I believe Tasmania is one of the fastest and Queensland is probably the slowest. Slow processing is not acceptable. Applicants are subject to age restrictions and if they want to adopt more than once then they are in the system for far too long. There are restrictions regarding length of time between children entering a family and a waiting period after the application is sent to the donor country. This can add up to significant amounts of time. I have heard of families being in the system for five years (including waiting in the donor country) just for one adoption. I repeat, slow processing is not acceptable. Especially for families bordering the age limits.

**11. The number of programs** Australia has with donor countries is small. Some are subject to quotas and some are not offered by all States/Territories as they believe applicants would find the costs or requirements too restrictive. For example the South American programs were not offered in Tasmania because of the residency requirements the donor countries demanded. I believe we need more programs and I believe Departments underestimate what ends applicants are prepared to go to become parents.

### **Conclusions.**

Inter-country adoption is becoming an increasingly more significant facet of our society.

It is another way of creating a family in an age where blended families are becoming more common. Unfortunately becoming a parent through inter-country adoption is difficult and stressful. It seems applicants need to prove themselves before gaining acceptability and some of the criteria used to judge prospective parents is very stringent. The system is not standardised nationally and is open to the biases and prejudices of the staff. How flexible and open to the needs of applicants is dependent on the individuals heading Departments. As well, there are accepted myths and perceptions that need readjusting. One of these is that people are not interested in adopting older children. At EurAdopt's first gathering of around 25-30 families a representative from the Attorney General's Office addressed the group and stated this. Unfortunately for her nearly all the parents present had adopted children over 4 yrs old and the resulting furore was interesting to say the least. The perception might be there are no or few applicants but this could be a result of word of mouth that it wasn't worth trying or ignorance that an attempt could even be made. I believe, at the very least, the whole system needs a shakeup to make it easier and not so costly.

Yours sincerely,

Lynette Ross