



20 February 2014

Hon Prime Minister Tony Abbott
Interdepartmental Committee on Overseas Adoption
intercountryadoption@pmc.gov.au
Attention: Ms Alice Ling

Dear Prime Minister

Thank you for inviting views and suggestions on overseas adoption from stakeholders. Permanent Care and Adoptive Families (PCA Families), trading name for Post Placement Support Service (Vic) Inc., is a Victorian state-wide, not for profit, member based incorporated organisation. Our Board of Directors have the “lived experience” of adoption and permanent care, and our Patron is Emeritus Professor Dorothy Scott OAM.

We have delivered high-impact, early intervention support, education, and services to families created through adoption and permanent care since 2003, and up until 2013 to families in Kinship Care and Foster Care. As an organisation, long term support to these families is therefore our primary interest.

PCA Families’ members were invited to provide their views and suggestions on overseas adoption and these are presented throughout this response.

Interdepartmental Committee Terms of Reference:

To identify:

(a) impediments to inter-country adoption;

A number of impediments to inter-country adoption have been identified by our members and could be examined for improvement. There is some overlap of issues:

Type and Length of process

In 2012-13, the median length of time from when an Australian applicant became an official applicant of the department to when a child was placed with them was 5 years and 1 month (ranging from median lengths of 28 months for Taiwan to 88 months for China).¹ We can acknowledge that the process is longest from when the file is received by country of origin to allocation of child.

¹ Australian Institute of Health and Welfare, “Adoptions Australia 2012-13” Welfare Series Number 57, P 19

While Victoria has a higher number of files being sent overseas other than NSW, only 2 applicants become official clients¹ (compared to 64 in QLD); and 6 applicants approved as eligible and suitable for adoption (compared to 25 in WA and 23 in NSW)². This could possibly warrant further investigation.

“Because a family is applying for a child for 0-2 years, and ‘theoretically’ they could be placed with a 2 year old almost immediately, their current child would have to be 3.5 to 4 years of age before they could apply for their second child.” (*PCA Families member*)

“The process here of getting the applicant to prove so many times they are willing to fight for the child is so onerous. As a single applicant I had interviews lasting 3.5 to sometimes 5.5 hours. In the end I wouldn’t be able to look at the social worker due to being tired....” (*PCA Families member*)

“The Social worker built up to a really high point to question me that a cleft child would find attachment difficult until I pointed out to them a cleft child would normally require more nursing time from an orphanage worker to simply keep alive (many orphanages without cleft bottles spoon feed their cleft babies) . If I had not done countless hours of research investigating what was possible in America and Canada....my file would be waiting another perhaps 5 years if I had the ability to wait that long and go through the process again.” (*PCA Families member*)

Children with Special Needs /Age Limits

“Any talk of expansion of inter-country adoption cannot happen without a full embracement of special needs children” (*PCA Families member*)

Australia’s partner countries receive more applications from prospective adoptive parents willing to parent healthy children than for children with more complex backgrounds.³ Applications for healthy children, exceeds the number of healthy children available. However, when comparing care types, “complex backgrounds tended to be viewed as social problems for foster children, but were perceived as interesting challenges for children involved in inter-country adoption.”⁴ This has particular bearing when examining the different attitudes that parents bring with them when considering caring for children with special needs.

The term ‘special needs’ in the context of Australian adoption is frequently applied to a broad range of conditions that are deemed to pose potential barriers to the permanent placement of a child and/or affect the outcome of adoption⁵. This is not helped by the fact that countries of origin also classify cases of special needs differently.

¹ IBID, Page 98 Method by which the applicant becomes the ‘official client’ will vary for each jurisdiction, and may be when the department opens a file , when the applicant registers, or when the applicant is invited to attend an adoption information session.

² op. cit. p 17

³ op. cit. p 9

⁴ op. cit. p 10

⁵ op. cit., P 8

“There was an 8 year old boy at my elder daughters SWI with microtia and hearing issues and this boy was more than willing to be adopted by us. We specifically visited him twice at the orphanage. But given the limitations of our rules here out of birth order was not possible despite knowledge that this boy’s personality would suit our family. He did not appear to have a syndrome but would require a BAHA hearing aid. It seems so crazy that the only way I could have adopted him would be to live in China for a few years, finally an American family will soon travel to adopt him and we will be able to keep in long term contact with him” *(PCA Families member)*

Some countries of origin include sibling groups and older children in their category of special needs, while others have worked towards adjusting their eligibility criteria as a way forward.⁶ This could be explored in the Australian context.

“Many children in an orphanage have a special need which is the reason behind their abandonment. In Vietnam I met a boy aged 6 who had a broken foot unrepaired after being run over by a motorbike. Surely an Australian family could deal with such a child. In Victoria any applicant would be pushed away for approval of a child of that age...” *(PCA Families member)*

Australia needs to improve and increase referral numbers and data collection in the area of special needs adoption. It is difficult for the government to gauge how many children with special needs have been adopted in 2012/13 due to inconsistencies in definitions of special needs and the limited data collected and available in reports from countries of origin.⁷ It would seem that this is an area that could be greatly improved through interstate and inter-country cooperation.

Different application processes across Australian States and Territories

Frustration has been expressed that there are different legislations and regulations across Australia, particularly in relation to eligibility for local and inter-country adoption.

“People have been unfairly disadvantaged too many times because they move state. It has meant so many people didn’t have time left to apply for a second child, etc. It is so disheartening to know of families that have got through the process after so many years willing to adopt another child but not willing to take on the department for so many years..after their initial adoption may have taken more than 6 years...” *(PCA Families member)*

“...disheartening...a person in their 50’s after waiting 8 plus years and not given other options or not allowed to start or change which ‘queue’ they are in without fully giving up their spot in the original queue. Every update at 2 years they need to prove their house is child ready, health is fine and finances etc...”*(PCA Families member)*

⁶ op. cit. p 9

⁷ IBID, P 9

“Having consistency across the states would make it easier for countries working with Australia and thus support the development of essential partnerships.”(*PCA Families member*)

Costs

The current cost-recovery model for inter-country adoption is financially prohibitive for many families, and constitutes a significant burden for others. We remain concerned, as we always have been, that this financially driven approach skews the system towards families with an ability to pay rather than being based on the principle of the best family for each child.

Introducing a fee waiver for lower-income families seeking to adopt via inter-county adoption, and waiving the Visa immigration fee would redress this. So too, would providing a tax allowance for adoption expenses.

“This is a great idea and allows for more overt equity for all potential families. Offering extended maternity leave for parents, regardless of the age of the child, is also critical. Adoptive parents need time to build secure attachment with children, the older the child, the more critical this may be!” (*PCA Families member*)

Current costs recouped through the fee- based system could be reinvested to some extent through much needed post-adoption support services for all families raising children through adoption. Such services are critical to improving outcomes post-adoption, and mitigating the ongoing effects of pre-placement trauma, neglect, grief and loss on children, young people and families.

(a) immediate steps that could be taken for improving and streamlining the delivery of inter-country adoption services to make inter-country adoption earlier and faster for Australian couples;

Consistency between NGO's, Government, and Overseas

It has been suggested that one case worker for each family rather than dealing with a number of professionals would be useful. Ensuring consistent practices; fairness in applying powers; competence; and professionalism; would make it easier for all families who wish to adopt locally and inter-country.

“In our experience we have found each region to be different and nothing seems regulated...each department can have different regulations and doesn't seem to run the same as one another. Maybe there could be the same approach where all regions operate the same streamlined way?... so if you are getting matched in another region, you as the waiting parent knows the process is the same.” (*PCA Families member*)

One of the essential elements of a successful overseas program is the relationships between Australia and the overseas country. Currently overseas countries have working relationships with the AG department and each states overseas liaison officer. So, for example, the senior

social worker in South Korea has to develop a relationship and work with over 7 individuals scattered around Australia.

For the countries we currently work with, or have done so in the past, from a cultural perspective the importance of 'relationship' is crucial. It has been reported that this added complexity of the number of individuals agencies need to work with negatively impacts on the working relationship from the countries of origin's perspective. Closer and more intimate relationships with countries may also lessen some of the difficulties encountered with obtaining accurate information regarding particular children and their needs. It would also give individuals here in Australia greater capacity to understand the nuances of the overseas countries culture.

Ongoing Professional Development for the sector

Social Workers involved in the process of inter-country adoption need to be provided with access to ongoing professional development around medical conditions and assessments, especially when dealing with issues around special needs. Ongoing professional learning for social workers (both employees and contract workers) should be mandatory not optional.

"Social workers from DHS in Victoria have told me that the issue is that they are trained social workers and not medical specialist so it makes it difficult for them to 'pick' a child."
(PCA Families member)

Some families have reported feeling that they receive misinformation around special needs adoptions, and at times an over-exaggeration (e.g. child needing 24/7 care when not the case).

"The issue is more in relation to the negative attitude of the departments and the unwillingness to openly discuss options e.g. making out that all special needs children require 24/7 care and telling prospective parents there are no options when that is not the case."
(PCA Families member)

Improving adoption education training

Some families have reported negative experiences with the education sessions provided pre-adoption, especially with regards to children with special needs.

"...throughout current adoption programs there is an overriding negativity which needs to change...my recollection of the whole pre-adoptive process is overwhelmingly negative- it planted seeds of paranoia in me that at times have been very difficult to keep a lid on."
(PCA Families member)

Some families have suggested streamlining training across care types.

"We would suggest if couples are wanting to adopt from overseas then is there a possibility if you have already been approved for local adoption, can you be approved for Intercountry at the same time or even if a way could be developed where this could be possible, so you

don't have to re-train to be approved....can all 'training' or education groups cover all these options...that would be extremely helpful" (*PCA Families member*)

(b) longer term proposals for reform;

PCA Families understand that children who arrived in families through journeys involving trauma, abuse, neglect and attachment disruption, will have needs which are in addition to the normal needs of childhood. As such, the children will require consistent and targeted support throughout the childhood and adolescent years, and as such, must be entitled to special protection and assistance.

Members agree that both state and federal governments have a responsibility to ensure that this special protection and assistance to children continues post placement. This should include preventative, early intervention and other supports necessary to ensuring best outcomes for these vulnerable children.

"Research suggests the children most at risk of unsuccessful outcomes include those adopted at an older age, those with a history of physical abuse, deprivation and neglect; those with a history of sexual abuse; and those with emotional and behavioural problems."⁸

While pre-placement services are well established; "Post-adoption support services provided by both government agencies are also becoming increasingly available in all states and territories. Under the Commonwealth-State Agreement for the Continued Operation of Australia's Inter-country Adoption Program, there is agreement to undertake ongoing work to improve the availability and accessibility of these services (Banks 2009)."⁹

As an organisation that specialises in post adoption support, we are concerned that little attention or funding has been given to this area. There does not appear to be any clear evidence that post-adoption support services are increasing.

Current government funding to post adoption services are directed to people affected by the 'forced adoption' period of time in Australia's history. While this is a positive first step, there is no ongoing government support for families, children or young people connected through local or inter-country adoption in Victoria (other than the short term supervision period post placement).

Our work indicates the enormous need for families, young people and adults connected through adoption, to be able access subsidised ongoing specialised support and education which is independent of the assessment and supervision agency/department.

The current access of services for families in Victoria (and indeed in most Australian states) appears indicative of the notion that permanency 'fixes all'. For example, in Victoria,

⁸ op. cit. p12- Banks G 2009. Post-adoption support services. Paper presented to the Harmonisation Working Group Meeting, May.

⁹ op.cit. p13

children living in foster care have access to significant specialised support but the moment they are placed in permanent care or adopted they lose access to these same services.

PCA Families relies totally on donations and philanthropic trust funding to provide phone advice, peer support, therapeutic parenting training, children's programs, playgroups, journal clubs, etc. We believe that the current lack of support operating for families caring for children placed through both adoption and permanent care is counter to the evidence and the rights of children, and repeats the mistakes of past practice in adoption.

(c) possible new partner countries with Australia could establish new inter-country adoption programs.

PCA Families recognises that as the capacity of countries to respond to their own social and welfare needs increases, so should inter-country adoption decrease. However, currently inter-country adoption continues to play a small but vital role in our humanitarian response to the impact of war and global poverty.

We note that there are currently 87 countries who are party to the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption. Australia has inter-country adoption programs with 13 countries; with Fiji, India and Bolivia on hold; and the Ethiopian program closed.

During 2012-13 in Australia, there were 129 inter-country adoptions. Of these, 61 were Hague adoptions and 68 were Non-Hague adoptions.¹⁰ Of the Non-Hague adoptions, 37 were from Taiwan.¹¹

It is vital that Australia continues to have close ongoing relationships with all countries that we have had inter-country adoption programs with, for the sake of the children who have been placed in Australia up until now. These close ties and understandings are vital for the well-being of adopted children all over Australia; for them to be able to have access to information, support and relationships with their country of origin.

As overseas countries grapple with similar adoption issues that Australia faces due to past practice, there still appears to be the possibility of small but viable programs with select countries if the focus is on special needs and sibling groups. The importance of relationships is vital at this period of time.

In light of the above, it would be ideal to develop new partnerships with countries who:

- have systems and processes operating with the rights of the child paramount in all decisions made (*as enshrined within the United Nations Convention on the Rights of the Child*);
- are signatories to the Hague convention;
- are transitioning to the Hague convention;
- have a faster processing/turnaround rates;
- have greater flexibility in eligibility – age groups, special needs, sibling groups; and

¹⁰ op. cit. p 15 and 91

¹¹ op. cit. p 18

- have provisions that allow de facto couples, same-sex couples, and single people to apply.

“In most jurisdictions in Australia, de facto couples are eligible to adopt and an increasing number of Australian jurisdictions allow same-sex couples to adopt; however, each overseas adoption authority has its own eligibility criteria that must be met for an application to proceed”¹² Current intercountry agreements have no provisions that allow same-sex couples to apply.

In putting the case for the exploration of new partnering countries, PCA Families is ever mindful of ensuring that the best interests and protection of the child are paramount as noted in one member response.

“...moving forward we need to be very conscious of not supporting the trafficking of children and that following the Hague and not pressuring countries for children for cash is important.” *(PCA Families member)*

(d) Alternative means of delivering intercountry adoption programmes (including via NGOs);

Disappointment was expressed by our members over the decision to dissolve the National Inter-country Adoption Advisory Group, with mixed views received as to the establishment of an alternative.

Government regulation, scrutiny, and involvement are seen as essential in reducing risks to intercountry adopted children. We would urge caution in setting up a central adoption authority that is not led and managed by government in partnership with stakeholders. It has been acknowledged that what is needed is an improvement in current systems, across departments, and across our states in legislation, policies and procedures.

Some believe this is a government domain and responsibility; while others believe that accredited, not for profit adoption agencies, may do better. We would not support adoption becoming privatised or managed by services which rely on adoption fees for survival.

“I am an adult adoptee from Korea....I already find it disconcerting that the PM has closed the NICAAG advisory group, and I certainly don't support the idea of intercountry adoption programs being run by private agencies...My caution is not due to a so-called 'anti-adoption culture'...but because of my experience meeting adult Korean adoptees from all around the world. Thus far, Australian adoptees are fortunate that we can generally report more successful adoption placements, and much fewer cases of breakdown, rehoming and familial abuse, and due to our Government regulated system.” *(PCA Families member)*

¹² op. cit. p 20-21

(e) Any changes to Commonwealth or state legislation that would improve and streamline the inter-country adoption process.

A number of suggestions have been made by our members:

- Explore the streamlining of inter-country adoption legislation across the states.
- Explore the streamlining of inter-country adoption policies and procedures across the states.
- Review both State and Federal legislation in relation to eligibility requirements, special needs children, young people, and sibling groups.
- Review all rules relating to waiting periods and age groups of children and young people needing adoptive families.
- Explore an integrated, national approach to adoption, inter-country adoption, and/or permanent care legislation, so there is uniformity across the states, and across state and federal departments.
- Review legislation and processes to ensure rights of immigration, visas, and citizenship; and care and protection for children adopted by expatriates.

We appreciate that the Commonwealth Government is committed to working with the non-government sector to deliver adoption reform. Our members with the “lived experience” of adoption view this consultation as extremely important and long overdue. Inter-country adoption needs to be considered and reviewed alongside our local practices of adoption and permanent care (Victoria).

PCA Families, as an organisation involved in adoption, would welcome the opportunity to present our views in person with senior officials, and to have future involvement in exploring reforms to this sector.

Yours faithfully

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