

7 February 2004

Comments on DoCS Rationale for Retaining the Name of the Child

by

Paul and Isobel Monsted (EuroAdopt Australia)

Coral & Grant Phillip (AAEC Australians Adopting European Children)

Karoline Brodaty (FANA)

Ricky Brisson (Australian Families for Children Inc)

Susan Davy (Australian Families for Children Inc)

Ted Sherwin (AACASA – confirmed their support of this position in August 2004)

We support the principle of including the child's original given name, particularly older children, however we do object to this principle being enforced by legislation.

Comments on Rationale:

- This rationale does not appear to be based on any research;
- DoCS rationale is incorrect for intercountry adoptees eg. Including “respect for family relations” is not applicable;
- DoCS handling of exceptional circumstances appears too narrow, this needs to be more even handed. Please clarify what constitutes exceptional circumstances;
- There are inconsistencies in procedures in applying this principle for children from Hague Convention countries, Bilateral Agreement countries, locally adopted children and for children from different states of Australia. This isolates the NSW adoption community as this law is not practised by any other country;
- Adoption Act 2000 Section 101(5) allows for change of name for local adoptees under the age of 1 year, however the rationale indicates a child may respond to a name at 4 or 5 months of age. For some reason, local children are presumed to be more resilient to change than non-citizen children.
- We cannot accept that name controls the child's identity to such a great degree;
- Naming conventions are unlikely to have direct correlation to the birth family for children relinquished at birth or abandoned;
- A greater understanding of differing cultural influences is required. Eg. A child may be named by orphanage personnel to appeal to foreigners; may be named after events, etc in a way local children would never be named. Therefore names don't necessarily have a positive benefit in retaining cultural or racial identity;
- In addition to the retained names, families should be able to add a first name;
- Addition of an alternate first name gives a child a choice of names to use throughout their life;
- Informal survey of adoptive family groups discovers that change of name should be in circumstances where keeping an orphanage name could lead to stigma and abuse in school years;
- Informal survey of adoptive family groups also discovers the issue of change of name should consider existing family names;

- Responses from older adoptees have been significantly accepting and positive in the event where their name was changed.
eg. *"I'm really glad my parents gave me my name, because that helps me belong in my family."* This comment was made at a recent PARC meeting by an adoptee guest speaker;
- It is a misconception that young children from orphanages are familiar with their name.

Recommendations

Ideally, the law could be altered to allow families the option to change names according to the circumstances of the child, DoCS recommendations and family considerations.

We therefore propose the following:

- DoCS clarify what constitutes "special reasons in related to the best interest of the child". [Adoption Act 2000 Section 101(5)]
- DoCS develop a policy document to clarify when they would support the change of name and give examples.
- A sunset clause should be developed for families who have been approved, allocated a child and/or placed prior to the proclamation of Adoption Act 2000. The principles of the previous act should apply because this was the basis in which the case commenced.
- A policy be formed where the child has had a long period of exposure to a commonly known name other than their given name;
- In addition to retaining a given name, families be able to add an additional first name.