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**From the trenches of the war on adoption
in Australia**

by

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Abstract

Over the last couple of decades, the institution of adoption has been under attack in Australia and adoption has become a dirty word. Factors contributing to this growing stigma against adoption include social and cultural changes in the Australian society, growing numbers and power of self-help groups, and mushrooming technologies. The resulting (r)evolution on norms in the place of children in families has led to serious questioning about the place, if any, of adoption in modern Australia. Adoption has become pathologised, parties to adoption have become victimised and stigmatised, and the development and delivery of adoption services have increasingly become monopolised by political and public service systems. This paper broadly examines what has been, and is being said, done and planned about local and intercountry adoption in the three disciplines that seem to have the most influence in the area of local and intercountry adoption in Australia: politics, psychology and social work. Key questions to be addressed are: Why is there so much resistance in Australia towards children being adopted either within or outside their birth family? Why is this resistance, being forced onto other countries? How does this resistance meet the overarching principle of "the best interests of the child" and children's universal right to "grow up in a family environment in an atmosphere of happiness, love and understanding"?

The shift from baby houses to adoption and back

Western Australia was the first Australian state to enact adoption legislation. The Adoption Act 1896 came to be as a child protection response to the appalling conditions, high mortality rate and corruption in the boarding houses of the 19th century. This 1896 legislation was in use until it was replaced by the Adoption Act of 1994.

In any arrangements for children whose biological parents are unwilling or unable to nurture and raise them, the best interests of the child must be the prime consideration and this has always been so until now. **HOWEVER, THREE PATTERNS IN THE WAR ON ADOPTION ARE EMERGING.**

- i. Both enacted and proposed legislation is veering away from the best interests of the child as the prime consideration and more and more consideration is being given to the "rights" to influence the adoption process which adults are demanding - e.g. anonymous birth fathers; extended birth families; single people and same-sex couples; with little or no concern that this might not be in the best interest of the children.
- ii. The language used in association with legal adoption has become emotive, negative and destructive. No longer have adoptions been arranged for children, but these children have been "stolen" from the birth parents. There is no longer any confidentiality in adoption arrangement, but the term "secrecy" has been substituted with its negative connotations, even though it is not in the best interests of the adopted persons or the birth parents to have their rights to privacy violated. Adoptive parents are "selfish and possessive" if they wish to preserve the unity and security of their intact family. Birth parents are "monstrous" if they decide to "give the child away". Legitimate and increasing costs involved in processing an adoption, particularly InterCountry Adoption, have now been interpreted as part of a "baby selling" and/or "baby buying" process.
- iii. An erroneous public perception has been carefully nurtured by the media and anti-adoption activists that adoption is permanently harmful to both birth parents and adopted people, and that family re-unification must be the ultimate aim

where children have been separated from their biological parents - even though this has been done for the physical safety of the children.

And so we see the time-honored system of adoption being weakened and adulterated - or pathologised - and its participants, both birth and adoptive families, being victimized and stigmatized. Thus Australia is seeing continual decreases in adoption, due largely to this negative portrayal of adoption which started in the 70's as a strategy in the campaign to open closed adoption records, which in itself is a strategy to destroy adoption.

This war on adoption was identified by John Triseliotis in the U.K. in 1991.

There are strong pressures here and in other countries to see the abolition of adoption, especially for older children, for the wrong reasons. Adoption will phase itself out when every child can live in its own country, thus maintaining continuity and stability. This position has not yet been reached. Its discouragement could prove detrimental to many children who would be condemned to a life of rootlessness for ideological reasons.

(Triseliotis.J. Quarterly Journal of British Agencies of Adoption and Fostering: Special edition: vol 15, number 4, 1991)

Number of Adoptions:

In 1971 - 72 there was a total of 9798 adoptions in Australia. In 1988 - 89 the total was 1501; 2001 - 2001 there were 561 and by 2002 -2003 this figure had dropped to 472, **a decrease of 16 %**.

Of these 472 adoptions 59% (298) were intercountry placements, 25% (116) were known child adoptions and 16% (78) were local placement adoptions. These figures show **a drop of 95% since the 70's**.

Now by comparison, in the U.S., adoption declined overall by about 10% (from an estimated 159,000 adoptions in 1971 -72 to an estimated total of 142,000 in 2001). If Australia did as well by adoption as the U.S., there should have been 3,784 adoptions in Australia last year instead of 88. In other words, it can be argued that on a proportional per head of population basis, 3,696 children who should have been adopted have lost the chance of a family.

These figures need to be contrasted urgently with the Australian Institute of Health and Welfare Child Protection Statistics on the number of children in out-of home placements. And in and out of multiple placements.

While biological may be best, it is a hard cold fact that there are some families where it is just too dangerous for children to be, and it is a hard cold fact which is constantly being ignored in State policy and child protection practice.

According to figures published by AIHW - Child Protection 2002 - 2003 p. 15, there were 40,416 substantiated cases of child abuse and neglect in that year, an increase of 10,000 or 25% on the previous year. This represented an increase of 42% since 1991. Compared with the distribution of family types in Australia, a high proportion of substantiations involved children living in one parent female families and two-parent step-families. (p.22)

Also in the same issue of Child Protection, AIHW reports that as at June 30`x`, 2003, there were over 20,000 children living in out-of home care, mostly in foster homes. 49% of these

children had been in continuous care for 2 to 5 years or more and not necessarily with the same family, (p.45). More than half of these were aged < 1 to 9 years old (p. 55),

This in itself is a form of child abuse.

What has happened to their bonding years? Everyone who is remotely associated with the development of children is aware of the importance of the attachment process and the awful consequences when bonding is ruptured again and again and again. (Is it any wonder we are breeding an underclass of homeless children who have no family attachments)

Have we come the full circle back to where we started in the appalling conditions of the boarding houses - READ for today MOTEL ACCOMMODATION provided by the Queensland State Government for out-of home care?

And have we come the full circle to the high mortality rates of the late nineteenth century with our abnormally high figures of children being abused unto death.

For detailed statistics on child homicide see Australian Institute of Criminology with special reference to a 1991 paper by Heather Strang. For detailed statistics on adoption, out of home care and child protection in Australia, please refer to the website of the Australian Institute of Health and Welfare under the section Children and Youth (www.aihw.gov.au).

The large number of local adoptions in Australia, particularly in the early 70s, were however also part and parcel of the population "explosion" of the 2nd generations "baby boomers" in the aftermath of the 2nd World War. Decrease in numbers in local adoption was also due to socio-economic factors such as:

- *Effective birth control leading to a decrease in the number of unplanned pregnancies
- *Income support for single parents
- *Changed community attitudes to single parenthood as an alternative to adoption
- *Changes to legislation and practices concerning step-parent adoption. Step-parents are encouraged to use arrangements other than adoption.
- *The introduction of alternative legal orders such as "Permanent Care Orders" in Victoria.

Today, permanency is the catchword. While guardianship and fostering have a very real place in society, permanent care orders are a contradiction in terms. This term is vaguely defined as its definition differs from State to State, but the constant element seems to be that the child remains under State control so that the biological parents have a right to challenge the arrangement at any time.

Legal adoption is the only form of child care which offers children the permanency, security and sense of identity and belonging to which all children are entitled.

Quote:

It is the legality of adoption and the emotional security which goes with it which sets it apart in the minds of children from other forms of substitute parenting. A second tier of adoption will only be seen as a second-class type of adoption.
(Triseliods. J. *ibid*)

There is yet another factor which is accounting for the impending Death of Adoption in Australia. And that is ----- an anti-adoption culture which is particularly strong in the State Government Bureaucracies.

This was activated initially by the opening of the adoption records, thus abolishing the last vestiges of privacy for birth parents and/or their families.

This was largely due to the call for the abolition of all adoptions by several non-government adoption organizations, particularly those representing a minority of domestic relinquishing parents and adopted persons and by professionals working with these parties to adoption. There has been an active campaign to create an erroneous public perception that adoption is harmful to all parties involved and to discredit the proven advantages of adoption for both children and birth families.

This anti-adoption culture is no longer limited to local or domestic adoptions but is being extended to all adoption including ICA, which means that this adoption resistant mentality is adversely affecting the adoption policies of other countries.

This is in spite of the fact that 3 enquiries in Australia into past adoption practices have agreed with the finding of the most recent enquiry in NSW - Releasing the Past; Adoption Practices 1950 - 1998 that:

For many people including mothers, fathers, adoptees and their families, adoption has been a lifelong and rewarding experience which has not caused longterm distress and suffering.

Pregnant women and girls who request adoption for the children do so for the reason that they are acutely aware of a number of factors:

- a. the single mother is the most socially and economically disadvantaged member of our society today
- b. the child of the single mother is the most socially, economically and 'educationally disadvantaged child
- c. the under four year old child of the single mother is the child most likely to be abused by her or her de facto
- d. they simply do not want to embark on this lifestyle for themselves or their children

In spite of overwhelming statistical evidence that single parenting is not in the best interests of the child, these pregnant women are rarely supported in their request to arrange an adoption. A constant complaint from these young women is that the alternative choices in which they are supported by bureaucratic officers are those of A. single parenthood or B. abortion. So they and adoption are being subjected to active discrimination by these officers.

One has to ask - **WHY?**

Whose best interests are being served.? Those who would increase the welfare class and its dependency on bureaucracy? Because this is what is happening. Those whose interests are to propagate the abortion industry? This is the only alternative being offered. It would seem that the best interests of the children are coming a poor last.

Concurrent with the decrease in local adoption came the start of ICA adoption programs for people living in Australia. The general portrayal of intercountry adoption in Australia is that it

only became popular because the flow of locally born children place for adoption started to "dry up". I do however not entirely agree with that notion. Firstly, because many of the first intercountry adoptive families already had children born to them and were adopting for altruistic rather than involuntary childlessness. This was largely influenced by the growth of audio-visual media such as television. The suffering of children in armed conflicts such as the Vietnam War, literally came "into people's faces" in their lounge room. This led to the lobbying for Vietnam War orphans to be allowed to enter Australia. During and after earlier wars such as the Korean War, the only Australians who could and did adopt child war victims were those who worked in the country, such as diplomats and missionaries.

These factors seem to be universal across the world in countries with well-developed social benefit systems. Australia is however seeing continual decreases in adoption, due largely to the negative portrayal of adoption that started during the 1970s as a strategy in the campaign to open closed adoption records.

Around the world much research on ICA has been undertaken. The results of one of the most recent and largest meta-analyses of 135 studies on local and intercountry adoption from North America, Europe and Australia, showed that the well-being of adopted children is comparable to the well-being of non-adopted children (Juffer, Klein, Poelhuis and Van Ijzendoorn, 2002)

This meta-analysis involved more than 110,000 participants, over 11,000 of them local and intercountry adoptees. Intercountry Adoptees in Europe, a region generally perceived to have a fairly homogenous Caucasian population, showed lower levels of maladaptive functioning than those in multicultural and multiethnic North America and Australia.

Juffer et al. (2002) hypothesized that the difference could be a result of the ready acceptance of adoption in most European countries.

Anne Sven Williams, a psychiatrist in charge of a prenatal clinic for women who are impaired by chemical abuse, who are mentally ill, or who are intellectually disadvantaged spoke recently at an Adoption Conference in Adelaide. She said :

Long term follow-up studies of adopted infants are almost universally positive. Detrimental early life effects can be overcome with effective parent-child relationships. In her summary she said, "(We must) encourage the mother to make or have made an early decision regarding placement" **"AND we tackle the legislation."**

So for the sake of our children and for the future of our country it is imperative that legal adoption be reinstated as a positive advantage in the policies of government, in the thinking of politicians and law-makers, and in the perception of the general public.

**Our modern pre-occupation is with individual rights,
Wishes and perceived needs of adults and
The cult of the anecdotal story**

**The rights of children must supercede all others, their right to be secure and cared for and
their right to their childhood.**

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