

Adoption and Permanent Care Services

RATIONALE FOR DoCS SUPPORTING RETAINING THE NAME OF A CHILD

Each person's identity is made up of a number of components; their name is a core part of their identity. Children recognise their name from about 4 or 5 months of age. A child's name helps them to identify her/himself as unique and separate from all other children- a powerful factor in the development of a "sense of self".

In the case of intercountry adoptees, the child's name usually reflects their race and cultural identity, and is one of the few remaining links they have with their birth country.

The Adoption 2000 (the Act) proclaimed this year states in the "Objects and adoption principles" – "The child's given name or names, identity, language and cultural and religious ties should, as far as possible, be identified and preserved." Section 101 (5) of the Act upholds this principle of the importance of retaining a child's name.

The New South Wales Law Reform Commission (LRC) outlined in Report 81 Review of the Adoption of Children Act 1965 (NSW) the rationale behind their recommendation to retain birth names of adopted children. The report cited Australia's undertaking in the United Nations Convention on the Rights of the Child to "respect the right of the child to preserve his or her identity, including nationality, name and family relations".

The LRC also noted "The intercountry adoptee endures enormous change and dislocation in the process of being adopted overseas. The child is uprooted from all that is familiar, including relationships and language. The child's name is one of the few remaining links with his or her birth culture. More importantly, though, the child's name is an integral part of his or her identity".

Keeping a child's name is a sign of respect to the birth family and to the overseas country from which the child is adopted and allows the child's racial and cultural identity to be valued and preserved.

Most children arriving from overseas know their name-even young babies respond to their name. This is the most compelling reason to keep this name.

Some reasons given to explain why parents want to change their child's name:

- They wish to give the child a name to make them part of their family and give them the context of their Australian family. While this is a reasonable desire, every adopted child gets the surname of their Australian family so the family is giving their name to their child.

- They feel changing an intercountry adoptee's name to an Anglo name makes it easier for the child and they say other migrants coming to Australia do the same. It is understandable that a parent wants to protect their child from difficulties. Still a migrant retains their surname so their cultural/racial heritage can be identified. So for example most people would realise that "a Peter Wong" is Chinese by his surname. The child lives with their parents/family members and maintains their native language and cultural/religious practices. An intercountry adoptee whose forename is changed to an Anglo one loses this part of their cultural/racial identity that would have been preserved if their forename were kept.
- They feel because they changed their first child's name, they need to do the same for their second. Again this is a reasonable concern but adoption practice changes over time and what was common practice when one child was placed with adoptive parents can change by the time the next child is placed. We find that generally parents are usually more than able to deal with differences in practice over time, and to explain them appropriately to their children.

It is in the above context that the Department supports retention of names of non-citizen children and cannot support a change of name unless there are exceptional circumstances. We sincerely believe it is in the best interests of these children for them to retain their names. These children do gain by being placed in a loving Australian adoptive family but we must remember they do lose through adoption as well and the more we can reduce this loss the better for them.

Mary Griffin
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2 December 2003