

ADOPTION CONFERENCE CONTINUED

Recommendations from task groups.

TASK GROUP: LEGISLATION AND LEGAL PROCEDURES

1. That the Adoption of Children Acts should require the formulation and publication of guidelines for the assessment of applicants for approval as adoptive parents; the Acts should permit the waiver of these guidelines in cases where the welfare of a particular child so requires.

2. That the Adoption of Children Acts should provide rejected applicants with a right to a review of their rejection.

3. That the Adoption of Children Acts should be amended to make it clear that lack of religious belief is not in itself a ground for rejection of an application for approval as an adoptive parent.

4. That the group affirms the principle that the law on personal status should be uniform throughout the Commonwealth, and specific reference is made to the need for uniformity in relation to adoption (so far as it affects a personal status) and the status of ex-nuptial children.

5. That if jurisdiction in adoption is to be exercised by a court, it should be conferred upon a family court, with powers, facilities and staff similar to those of the Family Court of Australia.

6. That the amended full birth certificate issued upon the adoption of a person should be indistinguishable in form from all other full birth certificates. This recommendation does not affect the question of the availability of the original birth certificate of the adopted person.

The following resolution was put and voted upon as follows:-

10 for
9 against
3 abstentions

“That adopted persons who have reached the age of majority should have unrestricted access to their original full birth certificate, but

this should apply only to adopted persons consent to whose adoption is given after the law has been amended in these terms.”

7. That the Adoption of Children Acts should expressly confer power on the Court exercising jurisdiction in adoption proceedings to order that separate representation be provided for the child who is the subject of those proceedings.

8. That uniform procedures for taking consents to adoption should be established; these procedures should be designed to ensure that a parent is made fully aware of all the implications of consenting to adoption.

9. That all States should amend their legislation to include a provision similar to S.4A (6) of the Adoption of Children Act, 1896-1973 (WA).

10. That the attention of all States and Territories is drawn to the question of according parental status in adoption proceedings to certain putative fathers, to be considered in the light of experience gained in the administration of the Family Relationships Act, 1975 (SA) and related South Australian legislation, and the relevant provisions of the Children Act, 1975, (UK).

11. That the group expresses concern about the plight of children suffering from long term deprivation of care by their biological parents, and recommends that the provisions relating to dispensation of parental consent be reviewed with the object of freeing these children, where appropriate, for adoption.

12. That the Adoption of Children Act should be amended to provide that in an adoption application by relatives or by a parent and step-parent, the Court should not make an adoption order unless it is satisfied that an adoption order would better promote the interests of the child than a custody or other order.

13. That consideration be given to amendment of the Adoption of Children Acts to ensure that parties to Aboriginal tribal marriages are regarded as eligible to be adoptive parents.

14. That the group recommends that government policies on inter-country adoption be clarified, and that any amendments to the legislation relating to the recognition of foreign adoptions by Australian citizens be treated as a matter of urgency.

15. That procedures should be established for wide dissemination of judicial decisions on adoption matters which deal with issues of general principle.

TASK GROUP ON ABORIGINAL COMMUNITY AND ADOPTION

Any Aboriginal child growing up in Australian society today will be confronted by racism. His best weapons against entrenched prejudice are a pride in his Aboriginal identity and cultural heritage, and strong support from other members of the Aboriginal community. We believe that the only way in which an Aboriginal child who is removed from the care of his parents can develop a strong identity and learn to cope with racism is through placement in an environment which reinforces the social and cultural values characteristic of Aboriginal society. We believe that white families are unable to provide such a supportive environment. **We therefore call for an end to the placement of Aboriginal children with white families by white adoption officers.** We assert that placement of Aboriginal children (whether for adoption or foster care) should be the sole prerogative of the Aboriginal people. Only they are in a position to determine what is in the best interests of the Aboriginal child. Criteria relating to material possessions and wealth are no sub-

stitute for love, pride in the Aboriginal identity, and relationships with other Aborigines in the black community.

All Australian political parties have adopted the principle that Aborigines and Torres Strait Islanders shall manage their own affairs. We therefore demand that this principle be applied in adoption and fostering matters and in particular that:-

i) Aboriginal and Torres Strait Islander adoption and fostering agencies be immediately established and officially recognized in every State and Territory, and that all Aboriginal and T.S.I. children for placement be referred to these agencies.

ii) Selected Aboriginal organizations be officially recognized as post-placement advisory and assistance agencies, to be utilized by whites who have adopted black children, and that these parents be fully encouraged to maintain contact with these agencies.

iii) In all Court proceedings regarding custody and placement of Aboriginal and T.S.I. children such children must have legal representation.

iv) Aboriginal and/or T.S.I. counsellors be appointed to all Family Courts.

v) In all custody and placement Court proceedings concerning Aboriginal and T.S.I. children an Aboriginal or T.S.I. advisor shall sit on the bench.

vi) Officially recognized Aboriginal organizations have full access to Aboriginal Children incarcerated in child welfare institutions, both government and private.

vii) Aboriginal children who come before the Courts be made wards of the Aboriginal adoption and fostering agencies, instead of wards of the State.

viii) All adopted or fostered Aboriginal or T.S.I. children have the right to know the name and locality of their biological parents.

ix) Any child of Aboriginal parentage, no matter what his physical appearance or his degree of Aboriginality, is considered an Aboriginal. We completely reject classifications of part-Aboriginal and deplore the practice of some white adoption officers of placing children of known Aboriginal parentage with white families because of a child's physical appearance. We feel such practice creates problems of identity and deprives a child of a rich and rewarding identification with the Aboriginal community.

x) Immediate recognition be made in British Common Law of Aboriginal tribal marriages.

ADOPTION PHILOSOPHY, STANDARDS AND PRACTICE

In discussing the underlying philosophy of adoption, we are able to arrive at the following points -

1. That in adoption practice, the primary interest does rest with the rights of the child.

2. The interests of biological parents and adoptive applicants cannot be discounted in decisions concerning the child.

In considering linking a child with his adoptive family, the adoptive applicants and their extended families, adoption practitioner, biological parents and their extended families, must be included in an educational programme toward adoptive parenthood. We would further conclude that the final responsibility for decision making about the selection of the adoptive family and the placement of the child must rest with a team of persons selected for that purpose, and not be the responsibility of a single worker. As the adoption process is on-going, support and help should be available as a right to all those involved in the process.

MAJOR RECOMMENDATION

That this Conference suggests to the ACOSS Family and Child Welfare committee the formation of a national steering committee on adoption, such committee to comprise representatives of adoption interests. That the committee have as its terms of reference -

1. The responsibility of drawing up standards of adoption practice in Australia (of Child Welfare League of America standards of adoption practice).

2. Provide for on-going consultation between all interested parties in adoption.

3. To set up the machinery for the implementation and improvement of standards of practice.

This will only be viable if State bodies on adoption practice are established. In some States existing inter-agency groups on adop-

tion could combine with consumer groups to form such an organization. In States where there are neither of these groups, that A.C.O.S.S. contact State Councils of Social Service to implement such groups. The formation of consumer groups was felt by the group to be an essential prerequisite.

EARLY PLACEMENT

Placement of a child in a permanent home must occur as soon as possible after the taking of a consent for adoption. We further recommend that regular and mandatory reviews be conducted for all children in foster placement, that this review be carried out by an independent body which has representation from community groups, that agencies be accountable to this body, which in effect acts as an advocate for the child. e.g. Family Welfare Advisory Committee.

SUBSIDISED ADOPTION

Where adoption seems the best solution for a particular child, or a group of siblings, sufficient subsidies from government funds need to be allocated to agencies arranging placement, and/or to the families receiving the child, to promote and pursue this form of care.

We strongly recommend that efforts be made to identify all children who would benefit from adoption and to pursue the release of those children for whom consent has not been given. Where there is a difficulty in finding homes for children with special needs, the national body should consider functioning itself as an Adoption Resource Exchange, or organize the establishment of such an exchange.

RESEARCH

1. That State adoption agencies be requested to give urgent attention to the meaningful collation of uniform statistics on adoption.

2. That the Family Research Unit of the School of Social Work, University of New South Wales, be asked to establish longitudinal studies of:

- i) adoptive family patterns
- ii) family life of refused applicants
- iii) life of biological parents after surrendering the child.

OTHER RECOMMENDATIONS:

We recommend as a desired principle the right of adoption applicants to request a change of worker if there appear to be major personal difficulties between the parties.

We recommend to State adoption bodies the continued review of differences in administrative arrangements in adoption procedures, aimed at achieving maximum rights for the parties involved in adoption across State boundaries.

In principle, we recommend the early finalization of adoption orders provided that the interests of all parties are safeguarded by adequate assessment and post-adoption follow-up.

ADOPTION CONFERENCE

RECOMMENDATIONS CONTINUED . . .

TASK GROUP ON INTER-COUNTRY ADOPTION

1. That Inter-country adoption is appropriate where —

(a) The child is orphaned abandoned or without a known or extended family, or

(b) Where the parent(s) has/have legally released the child for adoption.

(c) In the judgement of the appropriate authorities in the child's home country, overseas adoption of the child is the most appropriate choice of care.

(d) Reasonable and proper procedures are employed by appropriate authorities to ensure that the child is properly placed with suitable parents.

2. That this task group supports the proposal for an advisory central co-ordinating body for the purpose of facilitating adoption placement of children from overseas with approved families in Australia. The task group believes that such a body should have no power of veto or reassessment of approved applicants. (This resolution was passed with a narrow majority).

3. That prospective adoptive families of overseas children have the right to freedom of choice for assessment by an approved agency of their choice.

4. To ensure that the ultimate welfare of the adoptee, and so that the advisory central co-ordinating body can have complete faith in decisions made by the State agencies, as to the suitability of adoptive parents, that fully trained, sympathetic and experienced social workers, who are well-informed on the whole subject of inter-racial adoption, be employed to make assessments of people wishing to adopt a child from another country.

5. The task group recommends that in cases where applications are transmitted through the central co-ordinating body, family studies should be seen or read solely by professional social workers.

6. The task group recommends that Universities and institutes dealing with the training of social workers be urged to introduce material dealing specifically with inter-country adoption.

7. That approved parents be given the option by the assessing agency to adopt an overseas child by way of residential or non-residential means.

Dissenting from recommendation 2:
A. Dudman
J.R. Huxley

TASK GROUP: COMMUNITY ACTION

There has been increasing concern in the community about the quality of child care. This Conference composed of many interest groups, reflects that growing concern. Such meetings are likely to influence community attitudes by clarifying factual information about the subject and dispelling some of the myths and false assumptions which surround an issue like adoption. Adoption is a most suitable means of providing a family environment for a child who is no longer in the care of his biological family. Children's needs are so varied that the community requires a spectrum of services in order to adequately cater for these. Adoption is one such service.

Access to information:

This task group believes each child has the basic right of access to information about his birth origins, and therefore recommends that legislation be introduced . . . "at the age of 18 years an adoptee shall have access to the original registration of his birth." And further we believe that the biological parent has the basic right to information concerning the progress of their child. Therefore, we recommend that legislation be introduced to enable the biological parent to be granted the right to information about the progress of their child

through the appropriate agency or department in so far as they are able. The task group recognises the vulnerability of some biological parents if a child in later years seeks contact, not withstanding this our recommendation stands.

Community education:

All sectors of the community should be offered educational programmes in which the subject of adoption is explored. A variety of approaches should be used, in the many forms of communication channels available. These include all levels of educational institutions, professional structures, community organizations, news, radio and TV media, etc.

A most useful approach would be to present adoption in the context of programmes of the sociology of the family, or courses on human relationships. The objective of this kind of education is to remove the secrecy and stigma surrounding adoption; to inform people of their legal rights in the adoption process; and to advise them of support services available in the community.

Counselling and support:

1. Existing agencies should be required to accept responsibility for long term counselling and support to all parties involved in the adoption process.

2. Inter-disciplinary co-ordination is required, as well as utilizing, and referring to existing community groups, e.g., Adoptive Parents' Association, Single Mother organizations, etc.

3. There is a need to actively encourage informed support services, e.g., self-help, which offer an identity of interests.

Application procedures:

Attention was given to application procedures relating to identification of adoptable children, wider range of adoptive parents and co-operation between agencies and community groups in areas of adoption practice and policy, these

recommendations will be fully tested in the full Conference session. Dissenting from major recommendation:

A. Blashki
P. Cox
Sister R. Wright
E. Feil,
G. Luders
R.J. Jenkins

CHILDREN WITH SPECIAL NEEDS

1. That there be established in each State and Territory, at least one agency, or a separate section of an existing agency, for the purpose of finding families for, and arranging the adoption and subsequent follow-up of children with special needs and that there be close co-operation between this agency and other relevant organisations within and across state boundaries.

2. That a working committee of representatives of interested adoption agencies and organisations and other persons be formed in each State and Territory, to implement the recommendations made by this Conference on children with special needs.

3. That there be a programme of community education on the adoptability of children with special needs and that part of this programme be devoted to increasing community awareness of the need for adopting families for such children. We endorse the use of appropriate publicity of children and families to this end.

4. That this Conference is concerned at the large number of children in long term residential care and recommends that organisations which have children in their care be required by law to review them regularly in order to identify those who would benefit from family care, and where appropriate, take the necessary steps to free them for adoption.

5. That this Conference produces, in addition to the Proceedings of the Conference, a Paper, containing the main recommendations with explanatory material for public distribution.



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