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Western Australia

Senate Inquiry

I am a Social Worker with 27 years experience in all aspects of adoption, the last ten being with Adoption Jigsaw WA, an agency that was formed in 1978 by people directly affected by adoption loss and separation to provide support and search assistance. Today Jigsaw employs professional staff and we provide a raft of services.

I submit this submission on behalf of Jigsaw.

Terms of reference.

The role, if any, of the Commonwealth Government, its policies and practices in contributing to forced adoptions.

I believe the Commonwealth's responsibility lies in two areas:

Lack of financial assistance. Prior to 1973 unmarried woman without family support had few, if any, options. The introduction of Supporting Parents Benefit in 1973 was pivotal to enabling parent(s) to raise their own children, whether married or otherwise.

The Commonwealth showed no leadership in any area to do with adoption. An example of this is that it condoned the issuing of a completely new birth certificate with the adoptive parent's names and no mention of the biological parents. It is a legal lie that has enabled some adoptive parents to hide the fact of an adoption. We regularly receive calls from people who have found out they are adopted as a mature adult. Such information is often very damaging. In most states this still occurs today.

B) The potential role of the Commonwealth in developing a national framework to assist states and territories to address the consequences for the mothers, their families and children who were subject to forced adoption policies.At the root of adoption is loss, grief, trauma and separation from biological family. In most societies the loss of a child or the loss of a mother is seen as one of life's most traumatic events and the community rallies to support people in such circumstances. And yet when that very loss of family occurs in adoption, child and parent are expected to forget, and indeed often they are expected to celebrate and be grateful.

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Unlike other traumas, for adoptees such loss occurs in the first minutes of life and continues thereafter. We now know that such loss has lifelong consequences for both child and mother. Consequences rarely understood by the community, health workers and even mental health specialists. Counselling by specialist workers can be invaluable.
An often essential part of healing is to obtain information and for many reconnection with birth parent(s) or child. This has been legally recognized since 1987, when Victoria became the first state to allow adopted people to obtain their original birth certificate and consequently the ability to start a search. Each state has followed suit and enshrined the principle of a right to information about one's own family, however these laws have not been supported by appropriate access to records.
At Jigsaw we assist people with search and mediation. We waste huge amounts of time and are sometimes unsuccessful in finding the right people because we can only access records in the public domain. We have applied to the Australian Electoral Commission for access to Dates of Birth (DOB) on electoral rolls most years and each time been refused. Despite my explanations the responses I have received suggest no understanding of adoption trauma or the complexities of the search process.
How the Commonwealth can help:
Provide accredited agencies with Commonwealth Electoral Rolls including Dates of Birth. This step alone could halve our search time, disturb fewer people and improve our success rate and most importantly enable us to help more people. Pre 2000 we could purchase the rolls (without DOB), now we have to make a special trip to the Electoral office, wasting precious resources. And we cannot obtain DOB which is the single most important information. It cannot be stated strongly enough that adopted people and most birth parents had no choice in being separated from their closest blood relatives. I understand there are confidentiality issues but I don't believe these outweigh the rights of people to locate their own family. If this cannot be done, the Commonwealth could establish a person in agencies such as the Electoral Commission and at Medicare whose role is to identify the searched for party.
Assist with funding. Our funding only enables us to employ 1.75 staff (1 full time admin/search, 1 part time coordinator/counsellor/mediator) at remuneration up to 20% less than Government workers. And yet we do the most searches in all Australia. The system relies on the good will and substantial voluntary work by its staff. We provide a very good service but clearly are restricted in the amount of support that we can give. Whilst volunteers assist us with UK search and photocopying/admin tasks, we cannot use volunteers at all for counselling/mediation and attempts to train them in search have proved more time consuming than time saving. With such a small agency even taking holidays or sick leave presents difficulties. It is extraordinary that all political parties can spend millions on advertising to tell us what they have done or are going to do, eg the 2002, 'Be alert but not alarmed' campaign, at a cost of fifteen million dollars. How can we justify that but cannot find the funds to adequately support agencies such as Jigsaw?
Establish a National Registry of Births, Deaths and Marriages and allow accredited

agencies to apply for any Birth/Death/Marriage record relevant to the search. Some states eg NSW are extremely restrictive eg they will only provide an extract, which does not give information such as the informant to a death, thus no opportunity to search for next of kin. I believe they will not even supply this information to our State Adoption Service, thus some people will never be able to find family. Why does state territoriality trump a united nation and common sense?

Access to Medicare, Centrelink and ATO Records through a nominated person. I believe agencies such as Centrelink and maybe Medicare used to forward letters. I have heard, but do not know the veracity of it, that this was ceased because they received too many requests and that on one occasion the service was inappropriately used. Clearly agencies such as Centrelink and Medicare are in a unique situation to locate people and accredited agencies should be able to obtain their assistance.

Establish a National record of motor vehicle registrations and licensed drivers and allow accredited agencies to apply for information.

Work towards a National Adoption Information Act so that everyone has the same rights to information eg Vic still doesn't allow birth parents to access the child's adoptive name, a right that WA has had for 15 years. Most states have very restricted access to a birth father's name. Many fathers are unaware they have fathered a child and their consent was dispensed with. The adoptee had no responsibility for separation and now no rights.

Look at other areas where children have been separated from their blood relatives through circumstances outside their control, eg people raised by single parents have even fewer rights of access. We had a case in Tasmania where the mother left the marriage and her 2 yo daughter. The father raised the child with no knowledge or contact with her mother (who did not have any family in Australia). Bitter by the past, he refused to discuss it and refused all requests for information. It is assumed that the mother subsequently remarried, however because no adoption took place neither the adult children or us could access her record of marriage and despite appeals to the Tasmanian Registrar we were unable to help. This woman will never know her mother; she has now married and also changed her name making it almost impossible for her mother to search for her. I can see no reason why a delegate of the Registrar General or an agency such as Medicare could not forward a letter on behalf of an accredited agency.

Problems with Search

As I've stated requests for access to DOB have been refused and I believe that the Electoral Office does not understand the complexities of search in such an emotionally charged, secretive area as adoption.

We have few resources and too many clients (which are essential to our financial survival) and it is both very inefficient and extremely distressing to waste precious time often writing to dozens of people trying to locate the right person, when access to birth dates could locate the right person in minutes. The search for birth fathers is particularly difficult as most often the second Christian name is unknown. As we cannot access DOB we have no way of knowing which person on the electoral roll is the person we seek. We receive many requests from people around Australia turned away by other agencies as search is simply too time consuming and expensive. For those unable to afford a private investigator we are often the agency of last resort.

There are a surprisingly high number of men with common names eg a recent search for a man with a common name gave us 73 possible just in WA. It takes a great deal of staff

time to hand write (at the Electoral Office) and then type 73 names and addresses, construct an appropriate letter, then fold and stamp 73 letters. We then have to field the dozens of phone calls, letters and emails that respond. In the above search no one responded positively and we do not have the resources to undertake a National search, clearly there would be hundreds of men with the same name. Additionally perhaps half did not respond at all, we cannot know whether they did not respond because they:

Have not received the letter (we cannot send 73 registered letters as the cost is prohibitive and it would create an unreasonable annoyance for 73 people).
They are not the right person and can't be bothered responding.
They are the right person but do not want to acknowledge it.
In smaller searches I will often write a second letter to those who have not responded, wasting yet more precious time. Occasionally a second letter is successful or on receipt of a second letter the current resident has the courtesy to return it when someone has moved without a forwarding address. In addition I can only write a letter that refers to general family research; I do not mention adoption at all as it is imperative to maintain confidentiality. Thus some may not respond because they do not see it as an important issue. If I know I am writing to the correct person I can send a second fully explanatory letter and am more likely to get a respond. Without a DOB we cannot verify the truth of a negative response. Recently a birth mother with a somewhat unusual name has told me she is the 'wrong person'. As I cannot check her birth date I have no way of knowing the truth of this. She has an unlisted number so I cannot phone to confirm it. All we can do is accept her word and begin to apply for marriage searches in other states and possibly the UK, this is a great time and financial expense.
I can think of situations where we searched for two years only to eventually discover that we were right in the first place but we had no proof ie dob.
It is unreasonable and unrealistic to say that if people want to find each other they will put their name on a contact register. Most women are too frightened to search, do not believe they have the moral right to search and in any case do not know where to begin. As you may know courts routinely dispensed with a father's consent and many men are unaware that they have fathered a child, but can be very happy and open to contact when they find out. Out of all the searches we do, only 8% are initiated by mothers and 1% by fathers – but the vast majority are happy to be found.
Facebook and social networkingI am concerned that people are turning to social networking sites in order to find people. When we can't assist a client one option is for them is to turn to such sites and send a message to everyone in face book of that name. Unfortunately clients do not always word their requests well and it can create great trauma.

We cannot prevent this but we can provide agencies with search options that enable us to help clients quickly and at reasonable cost so they need not turn to Social Networking.

Surely a licensed, professional and respectful mediator is a much better option.
Other Agencies/Countries
You may not be aware that in the UK:
All births/deaths/marriage records can be accessed.

The National Health Adoption Service provide an “alive or deceased” service, accredited agencies can request a search as to whether the sought after party is alive/deceased. I can think of times when we have searched for months and paid for many marriage searches in Australia, only to discover a person has died many years ago eg after much search we recently learnt of an adoptee that died at six months of age and in another case a birth mother who died at 22. In the UK if the person is deceased the service will help to expedite obtaining a certificate and information. A death certificate can be a means to finding the next of kin as well as a means of closure. Here to discover a death we often have to apply state by state at great expense and some states ie NSW will only provide an extract if a specific date is known. They will not do a general search and will not give a full certificate eg in the case above where the birth mother died at 22 we know she had a sister, possibly the only relative to our client. We cannot obtain the birth mothers parent’s death certificates where the informant is likely to be the sister. We cannot obtain the sisters marriage certificate thus we cannot search for her. In this case there is no birth fathers name on the records our client can access thus there is nothing we can do for this client. Through no actions of her own she is deprived forever from all contact with her blood family, because of the rigid confidentiality of records.
There should be a system whereby the Registrar Generals can help us locate a person and if they cannot divulge their identity they should at least forward a letter to that person.
Finally, I know that many women haven’t put in a submission not through lack of interest but because they find it emotionally too difficult to do so. These are the words of one birth mother:

I can't speak for the other Mums who haven't written about that time, but I do understand it. For myself, it's enormous and way too hard to dredge up that pain by painting a picture of it in words. I am fearful about bringing it into the present in this way, how on earth would I cope if it sidelined me again? How long would it take before I would be able to get myself together again? The answer is I'm not sure I want to risk it, as it's not just me that suffers, it's people I know and love, my family and friends etc.

We hope that the Commonwealth will provide leadership and bring about structures to support the reuniting of families separated through adoption.Yours Faithfully

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