To the Senate Inquiry into Past Adoption Practices.

My name is John Rutherford & in 1964 I was put up for adoption by my birth mother & even have the actual form that she filled out to put me up for adoption; this does not mean that she was not forced to put me up for adoption. I have a physical disability that may have played a roll in my being put up for adoption coupled with the fact she had just turned 17 & was just starting work so I just don't know. I have not tried to contact her yet.

Enclosed within is a copy of my story that I have written as a contribution to an upcoming book of adoption stories. If I am clever enough I have also enclosed the newspaper clippings (if not I can email them separately (along with what little court info I actually have if necessary)) that were published at the time of my SECOND adoption as the NSW Adoption Law as it existed in 1967 had to be amended to allow for my adopted by my then foster family & am reasonably sure that it took only 3 days for this to happen.

As I said to my Origins group leader I am not sure that my first adoption was forced & therefore, should put a submission in. Another reason I was unsure of putting a submission in is I am about to try to gain access to the court transcripts of my 2nd adoption. I have the magistrates name I even have his 3 page ruling as to why he initially has to reject my 2nd adoption & so have little actual verified information. However, upon further reflection my 2nd adoption DID change the NSW Adoption Act & "possibly" what information birth certificates give (went from full to extracts) & therefore I should submit my story if only as a rare example of what can happen when you are determined enough & vocal enough & bloody minded enough not to give up & the media & magistrate are on your side.

I wish to state right here & now that I CATAGORICALLY feel NO hatred or

bitterness towards my birth or 1st adoptive families!!!! I feel HAPPY & CONTENT & believe, that I ended up with the family I needed to care for my special needs as a child, & then raised me up to be kind, caring, loving, forgiving man that I am today!!!!!

My story is an unusual one, and possibly an unique one, as I was adopted as a baby, fostered then adopted for a 2nd time by my foster family after my 1st adopt families minister contacted mum & dad. You know it's weird to say it but, it gets weirder, if I can trust my early childhood memories & mums assertion that she kept in touch with my 1st adopted father each Christmas by a letter in a card telling him how I was going until shortly before she died. & if I remember right then the last physical contact we had was around my 5th or 6th birthday when he gave me a handcrafted wooden crocodile that he brought back from Papua New Guinea. Mind you this is after my 2nd adoption ended up in the Supreme Court of NSW as under the existing wording of the act I was not permitted to be adopted. I suppose that after an intro like this I should expand on my story & introduce myself.

Hi, my name is John. However, I have had 2 1st names I think & 3 last names since I was born in 1964 & up to my 2nd adoption in 1967. Wow you wanna know something it's just hit me hard writing this, how confusing it must have been, & why I think mum & dad must have kept my 1st adoptive 1st name. Alright I'll try this again.

Hi my name is John. I have Cerebral Palsy & I was born in 1964. When I 1st started writing this & before we found some documentation amongst mum's papers that none of us knew existed, I knew little actual facts bar what my family had told me. So, what I'll do 1st is give you the information I d grown up knowing & then what I found out since.

According to my birth certificate I was born in 1964. I also believe that I was born in Sydney. I believe that my birth mother may have been 16 at the time of my birth (if mum had peeked at the right file as the woman handling the adoption left the room for a few minutes). I know that I was adopted twice & that my 2nd adoptive parents had also been my foster parents. I believe that because Child Protective Services or whatever DOC's was called in the mid 60's refuse to pay for or even allow my then foster parents to pay for a series of operations to stretch the tendons & ligaments in my right knee & Achilles to allow me to walk with what I believe is a reasonably mild limp. I know that it ended up in the Supreme Court of NSW. Where when everything was said & done it took the Magistrate all of 20 mins to give the Department a scathing judgement & allow my adoption to go through & my birth certificate is stamped 1967. I believe that mum might not only knew the name of BUT MAY have kept in touch with my 1st adoptive father each Christmas & include a letter telling him how I was going. I have a dim memory around my 5th or 6th birthday of a man that I was told was my 1st adoptive father who had just returned from New Guinea with a hand carved crocodile (it still sits with pride of place on the top of my wall unit). Over the first 2 or 3 years of my adoption & in-between trips to the hospital I have vague memories of sitting on the back step of as I called it with one of those rock hard ginger-nut cookies & a glass of milk with my favourite toy battleship while there for psyche evaluation (well I remember being asked a lot of questions).
Now what else can I tell you from that period?

I knew my family loved me very much. In 1980 when they changed the adoption freedom of information act I was 16 & my mother barely let a week go by without her trying to get me to apply for my adoption details & possibly contact my birth mother. I know I was not ready at that time to do so. & when I turned 18 my mother threw up EVERY reason she could think of to stop me looking. I know that the most telling argument that she put up to stop me was, that the adoption search was a 2 way street & if my birth mother wanted me in her life then she could look for & contact me herself. I know that this argument coupled with my fear of what I'd find out stopped me until mum & dad had passed away. So, dear reader there you have what I knew & had written about while I was waiting for information from the Post Adoption Centre & before we found the documentation we did with mums papers.

One last thing before I tell you briefly what I have found out I wish to share with you a poem I wrote the Christmas Day after I turned 21 & is pretty much the LAST time I shared any of my poetry with my family.

Who's Mother?

Christmas is a time of cheer,
of presents, children, food & beer.
It is a time or sharing.
It is a time of caring.

This is the season when all families gather & are complete.
When all differences are for a time forgotten.
When for a time enemies might be called a friend.

But, for me it is a time of wonder of who & where's my mother?
Whether I've got sisters or perhaps brothers?
And with each year this feeling gets STRONGER!!!!

John Rutherford

For those that may have read the original version few writers are ever totally satisfied with their work & may make slight changes (well that's my excuse LOL).

Okay dear reader. Just after writing what I did, I received the first of 2 lots of information from the Post Adoption Centre (if I mention them again I will just use the acronym P.A.C.). Plus we found mums paperwork. At the time of writing this I'm still checking to see if any of the file still exists from my parent's lawyer & am chasing up what information/documentation I can access from the Supreme Court of NSW & am going to look into what information I may get from the NSW Parliament (more about that later). I will not be going into any great detail as I am still looking into my adoption & with what I have found out I think there maybe the possibility of a full fledged book. So, I am SO NOT going to spill all my information NOW. To be brutally honest with what I have found out it is a real emotional roller-coaster & I just wonder how much further I WANT to go & the enormity of what happened to the best of my knowledge & current information on how my 2nd adoption changed how adoptions are handled in NSW in several ways.

Like some of my friends you may get sick of the phrase "to the best of my knowledge " as I use it on a regular basis. Please let me explain & it's also why I was reluctant to tell what little I actually know & have documentation for. To the best of my knowledge I have created several firsts:

1. I am the 1st child to be legally adopted twice in NSW if not Australia. After Googling 'adopted twice 'I am one of a handful world wide.

2. I may be the 1st disabled child legally & knowingly adopted. As apart from a slight abnormality of the fingers on my right hand at birth I was considered to be normal, my disability didn't really become apparent until I was starting to begin to walk. I was also led to believe that before my adoption, disabled children that were put up for adoption were automatically institutionalised. (this is what I had been told & led to believe & may be totally wrong & needs to be confirmed).

3. My 2nd adoption was initially blocked because of the way the Adoption Act had been written & the wording of Act had to be amended to allow my adoption. In other words my adoption changed the law (I'm about check this & may be wrong).

4. Because of me being legally adopted twice instead of receiving a fully documented birth certificate they started to give out extracts as I have had 3 legal parents & because of privacy issues (this too would need to be verified & may very well be wrong).

What I do have is the Magistrates 3 page ruling as to why my adoption could not go through under the current wording of the Act. I have the report of the surgeon that

mum & dad took me to about my operations. I have to tell you it brought tears to my eyes & really, really hurt to have them both comment & call my 1st 2 ½ years of life as sad & pathetic. I have newspaper clippings about my court case & yes there should be proof that the Act had been changed. I even have a copy of the actual application to put me up for adoption & yes dear reader, mum DID peek in the right file & her memory was ALMOST right my birth mother's name was almost spot on & she was 17 & had not long began work & according to the form my birth father had died in a car crash & was not named (mind you this could still have been her forced to give me up & him not even been informed as was not uncommon at that time).

As I said I'm still researching & most of what I theorised I may have been 1st for or may have changed PROBABLY is provable.

What about how I felt growing up or feel now? To that question with growing up mum had never hid the fact that I had been adopted twice or that as she told me about sending my 1st adoptive father a Christmas card & letter about my progress. And here I will say yet again to the best of my knowledge I was the 1st disabled child to attend a normal State Primary & High School & am pretty safe in saying this as both my parents & Primary School principal sent letters asking permission for me to attend my local Primary School & other problems that arose at High School that required my parents to correspond with the Dept of Education to smooth problems over (NOW this IS a another story). The reason I bring this up was I bullied & beaten up for being a cripple & the son of a Funeral Director (it didn't help that he dropped me off at Primary School in the hearse with or without a coffin in the back thanks to Australia going metric J I can LOL now) never over the fact I was adopted & yes I never made it a secret. I did feel DISCONNECTED & a sense of LOSS when I had to do a family tree for History as I had 3 sets of parents & 2 families & NO ancestry of my OWN. Apart from the ancestry issue being adopted was never an issue with me until I turned 21 then it started to become one. As for now, I don't know how I feel as I am still doing research & am most interested about the legal side. I love & have had the perfect family to nurture & guide me & made me the kind of man I am. So dear reader, I JUST HAVE NEVER REALLY HAD A REASON TO FEEL ANYTHING OTHER THAN CURIOUS ITY ABOUT MY ANCESTRY & ADOPTION.

I apologise if this isn't the type of account you may have been expecting as I keep saying I am still researching it & I am more interested in the legal aspect than anything & there probably a proper book in my story. I will include copies of the newspaper clipping unfortunately mum cut off the date & what paper they are from.