

## Protecting Victoria's Vulnerable Children Inquiry

**VANISH Inc** is a not-for-profit organisation based in Melbourne and funded by the Department of Human Services (Victoria) to provide a search and support service to the adoption community. Under the Victorian Adoption Act 1984, VANISH conducts family searches on behalf of adopted persons and provides support to adopted persons, birth parents and adoptive parents.

**VANISH Inc** has chosen to address the Terms of Reference, as follows:

*3.5.7. What are the strengths and weaknesses of the current Victorian adoption legislative framework and practice for children who cannot return to the family home? Should Victorian legislation and practice reflect that in other jurisdictions?*

### **Discrimination in Victoria**

- Current Victorian legislation decrees that VANISH is not permitted to conduct searches on behalf of birth parents and thus Victoria is alone among the states and territories of Australia in singling out birth parents in this manner. Birth parents in Victoria have indicated that this discriminatory barrier adds to their distress. On this matter VANISH recommends strongly that Victoria be brought into alignment with the other states and territories, which allow adopted persons and birth parents access to identifying information.
- There is a need for specialised counselling services to be available to assist adoptees deal with the level of grief that many suffer as a result of loss of family, loss of identity and a sense of belonging. VANISH urges the Victorian Government to provide recurrent brokerage funding for counselling similar to that provided for Forgotten Australians. This funding would enable a service to be established to cater for the needs of adopted persons, adoptive parents and birth parents, all of whom suffer a loss and experience grief when an adoption occurs.

### **Legislation**

If there were uniform “access-to-identifying-information” laws and the consistent application of these via Births, Deaths and Marriages across Australia, adopted persons and birth parents would be treated equally across the nation. At the 2010 National Meeting of Post-Adoption Service Providers, the participating organisations voiced their frustrations at the non-uniform and inconsistent (within a single jurisdiction) application of provisions relating to access to birth, marriage and death certificates. Such is the level of dissatisfaction that a working group with the aim of achieving a national approach to this matter was suggested. The difficulties created by the current variability have an impact upon not only the relevant post-adoption service providers, but also the service users, ie those very persons who were separated by adoption.

- A single Australian Adoption Information Act would ensure that persons across the Commonwealth would have the same rights to information. At present, each state and territory has its own legislation, with different provisions across the jurisdictions.
- VANISH suggests that National guidelines be developed for the interpretation by the state-based Registries of Births, Deaths and Marriages of sections of the Adoption Information Act relating to the release of identifying information.

### **Birth certificates**

Identity is a key issue for adopted persons, both as children and as adults. Adopted persons face the eternal identity quandary, which is reinforced by their dual birth certificates. For example, the baby boy born Peter Simon Jones becomes, at the stroke of a pen, a person known as James Michael Smith. No wonder many adopted persons ask, “Who am I?”! VANISH recommends that a single birth certificate be issued; this should record the names given to the child by the birth parent(s), as well as the names bestowed by the adoptive parents. Preferable to this procedure is one adhered to by some adoptive parents, ie they retain the given names bestowed by the birth parents, and add their surname to that given at birth, so that the child is known by a hyphenated surname. Under both these schemes, the adopted person is not faced with the dilemma of coming to terms with two apparent identities and in the instance of two birth certificates, the documented fabrication that they are as if born to the adoptive parents.

*2.1 How might the capacity of such services and the capability of organisations providing these services be enhanced to fulfil this role?*

### **Record keeping**

Within the specific field in which we operate, it is the general experience of VANISH that personal records invariably prove to be a valuable resource at some point during the life of the adopted person, particularly during the search for separated family members. The permanent preservation and access to both government and non-government records is critical to people seeking to discover their own identity and family members. In light of this it is vital that there be no destruction of welfare and adoption records.

### **Support**

- Burnout of social and case workers in the child protection sector is a major issue. We recommend that resources be devoted to supporting these people to increase their retention rate; also that more funding be allocated to support the host family.
- In adoptive families, extra support may be needed in situations where the child was adopted not as an infant, but as a toddler or a boy or girl of school age, because attachment issues are more likely to be present and needing attention.
- Mixed race families, where the child is adopted from overseas, can be even more challenging and worthy of additional government-funded support resources, to take account

of the identity issues centred on the cultural and ethnic differences that intercountry adoptees face.

### **Searches**

The experience at VANISH is that conducting a search on behalf of an adoptee (born in Victoria pre 1984) is often a very complex and time-consuming exercise because of the limited information available and the age of the person sought. The birth mother sought by an adopted person is increasingly likely to be deceased, and the subsequent search for a living relative of the deceased person is frequently a long, complicated process. Allowing VANISH, as a government-funded post-adoption services organisation, on-site access to the non-public Victorian electoral rolls which contain dates of birth would expedite the searching process for our service users.

VANISH advocates uniform access policies for adopted persons and birth parents to the State Registry of Births, Deaths and Marriages. The enactment of uniformity must acknowledge confidentiality issues, but these should not outweigh the rights of people to locate their own family.

The Victorian Registry of Births, Deaths and Marriages have a critical role to play – to ensure there is no erosion of the current access policy.