

Victorian inquiry into historical forced adoption

Submission by Uniting Vic.Tas

6 March 2020



Uniting

Uniting's experience

Our experience

Uniting Vic.Tas (Uniting) is the community services organisation of the Uniting Church in Victoria and Tasmania. We have worked alongside local communities in both states for over 100 years.

We deliver a broad range of services in the areas of child, youth and families, aged and carer services, alcohol and other drugs, crisis and homelessness, disability, early learning, employment and mental health. We work across the full spectrum of community services, intervening early to help people avoid crisis, as well as supporting those who live life at the margins.

Uniting is a significant provider of services and programs for children and families, including adoption and permanent care services.

We also operate a heritage service for people who spent some or all of their childhood in out-of-home care services provided by the Uniting Church in Victoria, and their family members.

Our experience in these areas makes Uniting well positioned to inform the Victorian Legal and Social Issues Committee about how to improve support services and responses to the issue of historical forced adoption.

Our child, youth and family services

Some families need support services to help them navigate through complex issues that impact the stability and safety of their home. We work alongside children, young people and families in vulnerable situations, to provide case management, advice and counselling so that they can overcome these issues and live happy, healthy lives.

We empower parents and carers to provide safe and nurturing environments to strengthen their relationships, develop their parenting skills, and raise children with love and resilience.

Young people experiencing personal or family challenges can access counselling, mentoring and life skills development, helping them work towards their goals for the future.

Out-of-home care is a service for children and young people who can no longer live with their parents due to inadequate care provision and safety concerns. Care arrangements can be short term, long-term or permanent, including home-based kinship and foster care, adoption and permanent care, and residential care for young people.

Our adoption and permanent care service

Uniting provides Adoption & Permanent Care services to children and families across the Department of Health and Human Services (DHHS) South Division (Southern Melbourne and Bayside Mornington Peninsula regions) and an Adoption Information Service for families and individuals state-wide.

Adoption

This program provides counselling to parents who may be considering the adoption of a child, generally where the child is aged from birth to one year. People may access counselling at any stage of pregnancy and from birth onwards. Counselling involves discussion of all the options available, from the parents caring for the child, to relinquishment of the child for adoption.

Permanent Care

This program caters for children up to the age of 12 years who are unable to live with their family of origin due to risk or experience of serious abuse, neglect or harm. Children are referred to the program by the Child Protection program of the DHHS South Division. Children generally come from disrupted backgrounds and may have experienced physical, sexual or emotional abuse or neglect. Some children have developmental delays or disabilities.

Adoption Information Service

This is a state-wide service for parties to an adoption. People who have been adopted, adoptive parents, parents who have relinquished a child for adoption, and some other birth relatives, may obtain information in relation to a past adoption. Adoption records are held for a number of institutions and services including:

- Methodist Babies Home
- Methodist Department of Child Care
- Presbyterian Sisterhood
- Presbyterian Babies Home (including Kildonan)
- Presbyterian Social Services
- Canterbury Family Centre
- Methodist Social Services, Child Care Services of the Uniting Church, Copelen Street Family Services.

The Uniting Heritage Service

The Uniting Heritage Service exists to provide a dedicated service to all people, and their families, who have lived in out-of-home care provided by the former Methodist, Presbyterian and Uniting Churches. The service provides access to records and manages the large collections created, the earliest dating from 1881. There are approximately 27 different collections of records and they are released by trained therapeutic staff who offer support and ongoing contact. The service offers a single-entry point for all past residents and their families.

The service currently has a team of five people, as well as several consumer consultants who have lived experience as care leavers and who advise and inform the work of the service. Staff have extensive knowledge of past and current out-of-home care systems and can support those who contact the service to place themselves and their experiences, or that of their family member, in context.

Our other services include:

- Locating records from a variety of other sources to help people learn more of their story
- Organising pathways and referrals to other services, including services within Uniting
- Searching for significant people on request such as family, other residents or former staff
- Explaining options for redress and providing records as part of redress and legal claims
- Organising reunions and gatherings
- Running projects such as oral histories to enable people to record their stories which then add to our record collections.

Our position

Historical forced adoption is an important issue for Uniting. Thousands of Victorian babies were taken from their mothers, without informed consent, between the 1950s and 1970s, and also outside of this time period. The practice of forced separations caused immense grief, pain and trauma and has had a devastating and ongoing impact on individuals and families.

We welcomed the Victorian Government's 2012 formal apology to the mothers, fathers, sons and daughters who were profoundly harmed by past adoption practices in Victoria. The National Apology for Forced Adoptions by the Federal Government which followed in March 2013 reinforced this as a fundamental social issue of our times.

We see this inquiry as an opportunity for the Victorian Parliament to more deeply understand the enduring impacts of forced adoption practices and the ways in which support services and responses could be strengthened. It will build on the Victorian Government's previous commitment to provide more practical assistance to support this vulnerable population.

Uniting asks that all those affected by adoption be provided improved access to records and information that are crucial to building identity and the sense of belonging so fundamental to well-being.

Input for this submission

Our submission draws on the experiences of consumers through direct engagement with adoptees, birth parents, siblings and extended family. The Uniting Heritage Service has direct long term relationships with people who have been adopted, and those later placed in children's homes and foster care.

The experience of our staff working in Adoption and Permanent Care Service team and the Uniting Heritage Service features strongly in this submission, given their essential role in supporting people impacted by these practices.

Summary of Uniting's recommendations

Through our consultations we have identified some critical issues and proposed actions to improve the support to be provided in the future, which we have grouped by theme. We recommend the following:

Counselling	Increase access to affordable professional support and counselling services for all those impacted by former forced adoption policies and practices in Victoria, regardless of where they live. It is important that counselling services are consumer-directed, with people able to choose the counsellor of their choice through a funding system such as Open Place for Pre-1990 Care Leavers.
	Provide additional funding to the programs currently supporting those affected by forced adoptions, i.e. Uniting, VANISH, Anglicare and CatholicCare, to enable them to expand and provide psychological support to service users in a timely manner.
	Create a centralised directory of trained private counsellors, psychologists and support services that can provide specialised psychological supports to those affected by forced adoptions.
Timely release of records	The Department of Justice and Community Safety should increase the frequency of training to allow caseworkers to be gazetted in a timely manner.
	The State Government should fund the establishment of a specific role within community-based agencies to focus on and prioritise the provision of adoption information.
Connecting family members affected by adoption practices	Review and amend Section IV, Division 2 ("Persons entitled to birth certificates or information") of Victoria's <i>Adoption Act 1984</i> , relating to access of information, with specific attention to the information that birth parents can access about the adopted person.
	Review current guidelines, standards and practices around access to adoption information and how they interpret and interact with privacy laws.
	Establish mechanisms where both adoptees and their birth families can access free and quality support services to assist their search and connection processes to enable better outcomes in searching and connection for adoptees, their siblings, birth parents and extended family.

	Work with the Commonwealth to establish a national framework to ensure consistency and improve access to adoption history and identity information.
Ensuring all adoption records have been located and accounted for	Increase funding to community-based services handling adoption archives to ensure timely indexing, recording and provision to records.

Advice from Uniting's Services

Uniting consulted with staff working in Adoption and Permanent Care Service team and the Uniting Heritage Service to get their perspective on the practical assistance needed to better support people in Victoria affected by historical forced adoption practices. These themes are summarised below:

Priority area 1: Psychological support for people impacted by forced adoption

Issue:

Forced adoptions have resulted in life-long consequences for parents, adopted persons and other family members, including mood disorders, grief and loss, post-traumatic stress disorder (PTSD), identity and attachment disorders, and personality disorders. A 2012 study found 70 per cent of adopted individuals believed that being adopted had negatively impacted on their health, behaviour and wellbeing. A third of mothers interviewed had severe mental disorder and over half had symptoms of post-traumatic stress.¹

All people impacted by former forced adoption policies and practices in Victoria need access to quality services including counselling, psychological or psychiatric services from professionals trained in post-adoption support, or assistance from peer support groups.²

Currently there is very limited access to funded counselling, except through a Mental Health Care Plan which is limited to ten sessions per year through Medicare, and will often leave people out of pocket for the difference between the Medicare rebate and the cost of seeing a psychologist.

Federally, Relationships Australia is the only organisation funded to provide counselling to adoptees and birth parents. This limits people's ability to choose their own counsellor or continue care when they already have an existing counsellor. These limitations are particularly concerning for people in regional and remote areas where Relationships Australia does not offer their services.

One model of good practice that we believe could be applied to the adoption field is the way in which Open Place provides support to Forgotten Australians. Open Place has three counsellors providing specialised support, but also works to locate and educate other counsellors from all over Australia in the specific issues for Forgotten Australians. Open Place also has brokerage funding so that when a person has an existing counsellor they wish to see, Open Place will fund 10 sessions per financial year with that counsellor.

Recommended actions:

- Increase access to affordable professional support and counselling services for all those impacted by former forced adoption policies and practices in Victoria, regardless of where they live. It is important that counselling services are consumer-directed where people can choose the counsellor of their choice through a funding system such as Open Place for Pre-1990 Care Leavers.
- Provide additional funding to the programs currently supporting those affected by forced adoptions, i.e. Uniting, VANISH, Anglicare and CatholicCare, to enable them to expand and provide psychological support to service users in a timely manner.

¹ Kenny, P., Higgins, D., Soloff, C., and Sweid, R. 2012. *Past adoption experiences - National Research Study on the Service Response to Past Adoption Practices: Final report*. Australian Institute of Family Studies.

² Senate Community Affairs Reference Committee. 2012. *Inquiry into Commonwealth Contribution to Former Forced Adoption Policies and Practices: Final Report*. Parliament of Australia.

- Create a centralised directory of trained private counsellors, psychologists and support services that can provide specialised psychological supports to those affected by forced adoptions.
- Provide funding to support organisations such as VANISH to build a knowledge base of professional counsellors on the complexity, trauma and long-term impact of forced adoption.

Priority area 2: Timely release of records

Issue:

There are currently long waitlists for clients to access records through either the Family Information Networks and Discovery (FIND) service or community-based agencies such as Uniting, CatholicCare and Anglicare. Some people are waiting up to six months.

Caseworkers in these services need to undertake Department of Justice and Community Safe Victoria training prior to being 'gazetted' and hence available to release adoption records. As this training is infrequent (approximately twice a year), it can delay the appointment of staff to provide records, contributing to the long wait lists.

In addition, community-based organisations who undertake this work are thinly stretched and under-resourced. Organisations such as Uniting, CatholicCare and Anglicare have dedicated Heritage Services, who focus on delivering timely records. Increasing their capacity would reduce the waiting times for people to access their records.

Recommended actions:

- The Department of Justice and Community Safety should increase the frequency of training to allow caseworkers to be gazetted in a timely manner.
- The State Government should fund the establishment of a specific role within community-based agencies to focus on and prioritise the provision of adoption information.

Priority area 3: Connecting family members affected by adoption practices.

Issue:

In Victoria, an adopted person is entitled to all information contained in their adoption records, including identifying information about the birth parents. However, birth parents do not have the same rights. While any party to the adoption can apply to receive a copy of the adopted person's original birth certificate and adoption records, birth parents do not have access to their adopted children's identifying information unless with written consent of the adopted person if they are 18 or older, or consent from adopted parents if the child is under 18.

Without identifying information, birth parents do not have access to the adopted person's name changes making it impossible for them to undertake an independent search for their child. For example, birth parents cannot search for their daughter, who has married and changed her surname. Similarly, siblings of adopted persons are also unable to access identifying information, about their adopted siblings.

Where they can access information, adoptees largely conduct their own searches, with positive results in some cases. Too often however, the engagement leads to trauma for both birth parent and the adoptee. Counselling and other professional support is critical to the re-connecting processes. In these instances, being supported by a service such as Uniting Heritage Service with unique expertise developed through experience is more likely to reduce the risk of traumatic outcomes for all parties involved (refer to case study 3).

In Victoria, provision of identifying information is restricted under strict privacy considerations. The 2012 Federal Parliament Senate Community Affairs Reference Committee *Inquiry into the Commonwealth Contribution to Former Forced Adoption Policies and Practices* report highlighted that Victoria was only one of three Commonwealth states to place such strict restrictions on identifying information. The Committee found that problems in making connection were not generally associated with the availability of identifying information itself, but rather the lack of counselling and support in the process. Importantly, the Committee noted that limiting access to information reflects the past secrecy provisions operating around 'closed adoptions'.³

In addition, connecting with family members can be a lengthy, expensive and onerous process for many people, especially if adoptions took place interstate. Adoptions legislation and processes vary across states and people have to make separate enquiries in each state.

Recommended actions:

- Review and amend Section IV, Division 2 ("Persons entitled to birth certificates or information") of Victoria's *Adoption Act 1984*, relating to access of information, with specific attention to the information that birth parents can access about the adopted person.
- Review current guidelines, standards and practices around access to adoption information and how they interpret and interact with privacy laws.
- Establish mechanisms where both adoptees and their birth families can access free and quality support services to assist their search and connection processes to enable better outcomes in searching and connection for adoptees, their siblings, birth parents and extended family.
- Work with the Commonwealth to establish a national framework to ensure consistency and improve access to adoption history and identity information.

Priority area 4: Ensuring all adoption records have been located and accounted for.

Issue:

Along with delays and restrictions on access to information, people who experienced forced adoption are also finding that some records are missing or have not been accounted for. Being unable to access adoption records, history and identity information can perpetuate existing trauma and create an environment of distrust.

In our experience, these issues arise from delays in historic record keeping, cataloguing and management. Uniting's Heritage Service has an archivist to manage and digitise the records to ensure timely search and retrievals. However, the team needs additional resourcing and capacity to manage the large number of outstanding documents from former Homes. These steps will contribute towards establishing trust, transparency and shorter wait times for adopted persons and birth parents

Recommended actions:

- Increase funding to community-based services handling adoption archives to ensure timely indexing, recording and provision to records.

³ Senate Community Affairs Reference Committee. 2012. *Inquiry into Commonwealth Contribution to Former Forced Adoption Policies and Practices: Final Report*. Parliament of Australia.

Case Studies

Case study 1: Evelyn* and Sarah*

Evelyn* (birth mother) received her adoption records approximately 30 years ago. Outreach with Sarah* (adoptee) was facilitated by Uniting (previously Copelen St). Sarah did not wish for face-to-face contact, and so all contacts, which have included emails, letters and phone calls, are facilitated through Uniting.

Under the current legislation, Evelyn does not have access to the same information that Sarah has been able to access about Evelyn. Evelyn has been engaged with Uniting for emotional support for 30 years, which demonstrates the impact that past adoption practices have had on her. The inequity of what information is released to each party caused her great distress as she feels there remain large gaps in her knowledge of her daughter and believes this will never change in her lifetime.

Case study 2: Frank*

Frank* recently discovered he was adopted and applied for his adoption records. Due to the long waiting periods, the time from his initial application to when he was able to meet with a caseworker was several months. This caused Frank significant anxiety and distress as he was seeking information about his identity and family medical history.

Case study 3: Mary* and Judith*

Mary* received her adoption records 30 years ago, located her mother, Judith*, and made contact with her. During their contact, Judith gave Mary the name of her birth father, but also asked Mary to keep the contact between Mary and herself confidential.

In her understandable excitement, Mary located her birth father. She did not have the experience or understanding to realise the risks. He then contacted Judith, who was terrified that her past would be revealed and severed contact with Mary.

Mary contacted the Heritage Service in 2019. She hoped that Judith might be willing to reconnect. Being older and more aware of the issues, Mary wished to go through a third party. When located Judith said, "I just can't go through it again", but was willing to engage with the Heritage Service staff member and wished to keep Mary's phone number. She also passed on important medical information.

If the initial searching had been managed by experienced searchers the outcome was more likely to have been positive and less traumatic.

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