

**Submission to
Legal and Social Issues Standing Committee
Parliament of Victoria**

Inquiry into Responses to Historical Forced Adoptions in Victoria

**on behalf of
Jigsaw Queensland Inc.**

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President



Introduction

Jigsaw Queensland provides information and support to people affected by past adoption who live in Queensland or where the adoption occurred in Queensland. As such we provide support to clients who are affected by past forced adoption practices involved in an adoption that occurred in Victoria.

Jigsaw Queensland is a non-profit incorporated association with charity status. Jigsaw Queensland is managed by people affected by adoption. As such, we are both a post-adoption stakeholder and a post-adoption service provider. We actively engage with government and non-government post-adoption support services in each Australian state and overseas.

Jigsaw Queensland provides federally-funded Forced Adoption Support Services in Queensland. Forced Adoption Support Services in each state deliver specialist support to people affected by forced adoptions through:

- a national helpline: 1800 21 03 13 (which represents the date of the National Apology for Forced Adoptions). The helpline is answered locally and available weekdays from 9 am to 5 pm
- referrals and information based on individual needs
- where possible, face to face support, casework, emotional support, records tracing, assistance with family searching and intermediary services, group activities, peer support, and facilitation to therapeutic counselling, and
- administering small grants to build sector capacity and enhance group healing activities to support people affected by forced adoptions, where appropriate/possible.
- Forced Adoption Support Services work to improve access to counselling for people affected by forced adoption and counselling may be offered where services have the expertise and capacity. Where a therapeutic counselling service is not able to be

provided directly, appropriate warm referrals are made to suitable services where possible.

- The services complement existing supports provided by the state and territory governments.

Jigsaw Queensland, along with other stakeholder groups, meets regularly with the Queensland Government's Department of Child Safety, Youth and Women to monitor practical outcomes of our state government's apology for past forced adoption practices, to coordinate community commemorations of that event, to be informed about government policy and practice and to provide stakeholder feedback on current and future practices.

Jigsaw Queensland regularly participates in the Australasian Post Adoption Service Providers meeting. We hosted this event in 2018.

Background

On 28 May 2019, the Legislation Assembly of the Parliament of Victoria passed a motion referring an inquiry into support services and responses to the issue of historical forced adoptions in Victoria to the Legal and Social Issues Committee for consideration and report no later than 31 December 2020. No further terms of reference were provided.

On 25 October 2012, The Parliament of Victoria apologised for forced adoption practices. Post-adoption support is provided by the Victorian government through Adoption Victoria and funding provided to VANISH. The Commonwealth Government has provided funding for Forced Adoption Support Services. In Victoria, this service is provided by Relationships Australia (Vic). Through that program, small grants are made available to peer support groups to fund activities which support those affected by past forced adoption.

Issues

There have already been significant inquiries at both state and national levels into past adoption practices and recommendations for policy and practice reforms. These include the NSW Law Reform Commission, The Victorian Law Reform Commission and the reviews of adoption legislation in most Australian states. There was also the Senate Inquiry into the *Commonwealth Contribution to Former Forced Adoption Practices*, and the Australian Institute of Family Studies review, *Past adoption experiences: National Research Study on the Service Response to Past Adoption Practices*. Jigsaw Queensland has made submissions to many of these past inquiries. Rather than rehearsing this material which is available for the committee to review, we would like to focus our current submission on what we feel has helped in Queensland.

From our experience here in Queensland, what is most useful and constructive in meeting the needs of those affected by past forced adoption is active and positive cooperation between all service providers and between stakeholders and service providers. This is

essential to providing information and emotional support to those impacted by past forced adoption practices.

Without positive and constructive interactions between current service providers and stakeholders it will be difficult to make progress in addressing some of the vital unfinished business from the state and a federal apologies, issues such as the need for integrated birth certificates, discharging of adoptions and redress for past wrongs. There is a diversity of needs and perspectives on these issues and the emotional stakes for some are very high. Adequate informational and emotional support is vital for a person undertaking these challenging journeys.

In our experience, persons affected by past forced adoption benefit greatly from being able to choose the level of support and source of support that best suits their needs and experience. Such support might be a peer support group, a government or non-government service provider, or a mental health professional. Being able to choose increases a sense of agency in the person seeking information and support. Also, being able to receive support from more than one source provides a sense of stability, provided that the various services cooperate rather than compete with each other in furthering the best interests of their clients.

From our experience we feel that it is important that a person affected by past forced adoption can choose from a range of services that suits their needs. It is unlikely that one service alone will be capable of meeting the complex and varied needs of all those affected by past forced adoption. Clients must have access to an alternative service provider if their needs are not being met. As apologies for past forced adoption have been delivered by both state and federal governments, it is appropriate that both state and federal governments continue to be committed to providing information and support to those affected by these past practices.

Funding should also be available for peer support groups to maintain their valued contribution and to build their capacity. Peer support groups play an important role in sharing lived experiences not only of their adoption-related experience but also their experiences with different service providers. It is important that their voices be heard.

Funding for continuing professional education relating to the impacts of adoption in general and past forced adoption in particular is vital. Individual therapeutic support is vital for persons who have experienced the trauma of forced adoption; nevertheless, many professionals continue to be unformed of past practices and their traumatic impacts on those affected. The Commonwealth provided funding to the Australian Psychological Association to develop online professional education with respect to the impacts of forced adoption. This resource is excellent and still available. Unfortunately, it is currently only available as a paid unit of continuing professional education. We would like to see state and federal governments provide funds to make this material available free of charge.

In our view, the provision of a range of services to those affected by past practices must be done in a cooperative rather than competitive manner. With a constituency fragmented by the impacts of past trauma, this requires a skilful community development approach which

aims to build trust between service providers and service users. Our experience in Queensland, where this approach has been taken, is that un-productive tensions between stakeholders and between the service providers and stakeholders can be significantly reduced so that the vital connections between policy makers and stakeholders can be sustained. Service users are best served when service providers cooperate rather than compete. Clients come to feel that they have a number of supports, not just one.

In Queensland, post-adoption services are provided by a range of government and non-government providers. They formally meet each quarter to update on service changes and to discuss current issues. Representatives of the Registrar of Births, Deaths and Marriages also attend regularly to exchange relevant information.

The Department of Child Safety, Youth and Women provides access to adoption information, advice on adoption legislation, and referral to non-government support services. As the Queensland government has been the only past facilitator of adoptions in Queensland all records are centralised. In most cases the release of adoption information to parties is an entitlement and takes on average 12 weeks to process. In some special circumstances, primarily related to an applicant's age or medical status, some applications are prioritised. Due to the circumstances surrounding an adoption, extra emotional support and information may be required before information is released. The department also provides information with respect to discharging an adoption. The Department also holds quarterly meetings with representatives of stakeholder groups, including Jigsaw Queensland, Origins Qld, ALAS, Association for Adoptees and You Gave Me a Voice. As well as regularly engaging with these groups one on one, the Department funded a community development worker specifically to develop trauma-informed processes and ground rules that have helped these groups to work constructively together and to reduce incidences of emotional triggering behaviour while engaging with each other and the government.

Post-Adoption Support Queensland (The Benevolent Society) is funded by the Queensland government to provide post-adoption support to all who are affected by past or current adoptions. They provide information, emotional support and counselling services to original parents, adopted persons, and adoptive parents, including those of children under 18 years of age. The service has been funded in recognition of the lifelong impact of adoption and to assist individuals to negotiate the legislative changes from a closed system of adoption to one in which information from records is freely provided. Although The Benevolent Society was never involved in any past adoptions in Queensland, they did run Scarba House for Children in NSW. A small number of mothers and adoptees have been uncomfortable with this and will not use the service. However, The Benevolent Society issued an apology for past adoption practices and have run the widely-respected Post Adoption Resource Centre in NSW for many years. Alternative arrangements are available for those not wishing to use the service.

Forced Adoption Support Service (Jigsaw Queensland) Jigsaw Queensland has provided peer-based information and emotional support to anyone in Queensland affected by past adoption for the past 43 years. It is widely recognised as a trusted source of information and support. The Queensland government provides a small amount of funding to facilitate volunteer training and support groups. Adoption-specific telephone support has been

provided by trained volunteers who have been impacted by adoption. Peer-to-peer volunteers undertake a short helping skills course and have access to professional supervision. A strength-based approach is currently used for engaging in peer-to-peer and group support.

Since 2015, Commonwealth funding has been provided to Jigsaw to manage Forced Adoption Support Services in Queensland. Forced Adoption Support Services (FASS) are provided Monday to Friday from 9.00am to 5.00pm by post-adoption professionals with social work, psychology or equivalent qualifications. As well as information and emotional support, FASS also provides search and intermediary services. Through the small grants program FASS engages with other peer support groups such as the Association for Adoptees, Origins Qld, ALAS and You Gave Me a Voice. This program supports peer groups to run events, memorials and workshops.

Link-Up Qld provides assistance to members of the Stolen Generations, which includes indigenous persons who were adopted. They provide information, emotional support, search and reunion with family and country.

Lotus Place (Find & Connect/Micah Projects) provides assistance to Forgotten Australians which includes Forgotten Australians who were also adopted or lost a child to adoption. This includes accessing records and conducting searches, and assisting in reunions. Recently, they also have provided assistance to persons seeking redress if they have suffered abuse in an institutional setting.

Other organisations with a past involvement in adoption are generally not current post-adoption service providers in Queensland. Nevertheless, in the past they have been providers of homes for mothers. These organisations provide support in accessing archival records. Some, such as the Sisters of Mercy and the Anglican Diocese of Southern Queensland, have also provided redress to mothers. The Anglican Church, at the instigation of some mothers, has also provided a memorial garden at St Mary's in Toowong, which was formerly a home for mothers.

Affordable, accessible and adoption-specific services

Cooperation and warm referral between services is essential in providing affordable, accessible and adoption-specific services for those affected by past forced adoption.

People affected by past forced adoption have a range of needs from basic information and support, search and making contact with relatives, acknowledgement and validation of their experiences, and emotional support that acknowledges the grief and loss and the trauma that can accompany adoption. They also seek help in achieving some form of restorative justice, through discharging an adoption or obtaining redress.

Services must respond to a variety of levels of need. This might not always be possible, or even desirable, in one organisation. Beyond, so-called 'warm referral', active cooperation between service providers is paramount. Providing accurate information about services available and encouraging clients to make positive connections across a range of services or

to see that there are alternatives available should a particular service not meet their needs is vital.

Cooperation rather than competition between service providers has several advantages for clients in terms of accessibility and affordability. It counters unnecessary service duplication and added cost burdens when an organisation tries to be all to all. Cooperation can decrease client frustration with the referral process and increase a client's sense of stability when they sense that government and non-government services are working together in their interest rather than competing with each other. For clients, support from government and non-government services and an affordable individual counsellor is like the security of having three legs to their stool. Cooperation between services also helps prevent the development of overly-dependent relationships and increases a client's sense of agency. Cooperation among service providers also model behaviours that encourage positive, healthy relationships.

Support for accessible, affordable and adoption-specific individual therapeutic counselling is still an unmet need for those affected by past forced adoption. While they may have access to the psychological and psychiatric services through a mental health plan with their general practitioner, there are ongoing gaps in affordability and adoption-specific knowledge in these services. We believe attention needs to be given to funding this gap, particularly, if prospective users of psychological and psychiatric services have ongoing emotional support from post-adoption professionals.

With respect to accessibility, there are a range of technologies which assist in providing information and support to those affected by forced adoption. Much of the current technology (e.g. Skyping, email, Facebook, WhatsApp, Twitter) is useful, but there is an aging cohort that still requires access to information either in a written form or in person. Queensland is a geographically large state, which present challenges to service delivery. However, we have found that assistance by phone backed up by email remains the most suitable and effective form of support provided it is responsive and direct. Effective telephone counselling skills are essential, backed up by sound and reliable electronic records. *While everyone answering the phone should be trauma-informed, we have found that a service that provides immediate access to a post-adoption case worker is highly valued by clients.* To be accessible, a service should be capable under normal conditions of helping at least two clients at any one time.

In the area of forced adoption the problem of affordability of services is compounded by the fact that current mental health needs were precipitated by past practices for which truly informed consent was never given; therefore, *there is understandable pressure from those affected by those past practices to demand that these services be provided for free.* On the other hand, those traumatised by their past experiences with professional medical and social work services can be reticent to use any service at all.

The costs and frustration of accessing past records can also compound adoption trauma. Making access to searches through Births, Deaths and Marriages records as simple as possible and cost-free to those affected by past adoption practice would be beneficial.

Given that records are held in various states it would be beneficial from a service user perspective if additional funding was supplied to post-adoption services to achieve this, thus also ensuring that the person requesting a cost-free search has some access to support prior to and after information release. With respect to what information should be on birth certificates, we have consistently maintained the principle that *persons should always have access to the historical truth but end users should have choices as to what is on their identity document.*

Redress remains a largely unaddressed recommendation, particularly by governments. It is an emotional and practically complex issue. Considerable advances have been made in our understanding of the issues involved in redress and civil compensation since the Royal Commission into Institutional Responses to Child Sexual Abuse. The implications are still being played out in the community, but we do know that these processes can place a considerable burden on those affected by past wrongs. Some form of restitution is important when addressing past wrongs. There is considerable complexity involved in creating processes that do not re-traumatise victims of past practices, as well as the need for commitment and involvement of a range of government and non-government institutions. We believe that this cannot be put on the back-burner for ever.

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