



Submission to the Legal and Social Issues Committee (Legislative Assembly)

31 January 2020

Dear Committee Members

Council of Single Mothers and their Children Inc. (CSMC) are pleased to be able to participate in this inquiry, given our long history of working both with women who were forced to give children up to adoption and those (initially few) single mothers who managed, despite the pressures, manipulations and barriers, to keep and raise their children.

CSMC is a non-profit organisation founded in 1969, in the height of the era of adoption, by single mothers determined to secure a better life for themselves and their children – as well as women forced to give up their child to adoption. 50 years later, we continue to work for equality and justice for single mother families by championing their voices and needs and providing specialist support services.

Today, CSMC provides:

- Information, support, referral and advocacy services to single mothers, via telephone, email and messenger.
- Accurate information and resources for single mothers including regular email bulletins and via our website.
- Representation of the needs and issues of single mothers and their children through working with government and community organisations, the media and research partners.
- Advocacy to improve the social, economic and legal position of single mothers and their children.

Given the long-term repercussions for all those involved in the historical practices of forced adoption, we are very pleased that the Victorian Government is holding an Inquiry into developing improved responses to these practices.

However, we also consider that there continues to be problematic practices that equate to 'forced adoption' in modern guises - or do not do enough to preserve families who are under stress. The Government must adhere to its promise not to repeat the past mistakes of historical adoption and provide sufficient support to maximise the right of every child to be raised by their own family.

Regards,



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General Comments

Negative consequences of forced adoption

The methods and manipulations, both legal and illegal, that were used to force single mothers to give children up for adoption have previously been examined via the 2012 Senate Community Affairs References Committee Inquiry into Commonwealth Contribution to Former Forced Adoption Policies and Practices¹, and acknowledged in the formal apologies issued by both State and Federal governments in the previous seven years.²

The impact of historical practices of forced adoption in Victoria upon mothers, the children they were forced to give up, fathers and other family members have been well established through processes such as the 2012 Commonwealth Inquiry.³ The profound negative consequences were also documented in the ground-breaking 1984 research *Relinquishing Mothers in Adoption: Their long-term adjustment*.⁴,

Profound personal and psychological effects upon the mothers include trauma and Post Traumatic Stress Disorder (PTSD), loss and grief, issues with trust, impacts upon self-esteem and other often severe mental health issues.⁵ The impacts upon the adopted persons is also well recognised. Support is still needed to respond to and deal with the trauma, as many of those affected have not received beneficial specialist support to overcome the effects; Winkler and van Keppel document that trigger can cause the trauma to resurface for up to 30 years or more. Assistance and support for family members to find one another is also an ongoing need.

How adequate the Victorian responses to these repercussions have been will be addressed below, with reference to the recommendations from the Commonwealth inquiry that have not been implemented or have been partially implemented.

Ongoing forced adoptions

It is very salient to note, however, that forced adoption is ongoing in a number of guises. There are many situations today in which a child or children⁶ are removed from their mother due to issues she may be experiencing; this is demonstrated, for example, by the skyrocketing numbers of Aboriginal children in out-of-home care. These removals must be prevented where possible, and when necessary, be made only on the proviso that the mother will be provided with all support needed to maximise the probability of getting her children back in her care, and to retaining ongoing access to and communication with them.

In the few cases where adoption does take place, the Government's statutory obligation for care of children has historically been outsourced to a number of agencies that manage adoptions. This

¹ See for example [Commonwealth contribution to former forced adoption policies and practices](#) February 2012

² National Apology for Forced Adoptions, 21 March 2013, available at <http://parlview.aph.gov.au/mediaPlayer.php?videoID=190367>

³ [Senate Community Affairs References Committee Report, Commonwealth Contribution to Former Forced Adoption Policies and Practices](#), February 2012

⁴ Winkler, Robin and van Keppel, Margaret *Relinquishing Mothers in Adoption: Their long-term adjustment*, AIFS Monograph No 4, May 1984

⁵ Australian Institute of Family Studies *Past Adoption Experiences: National Research Study on the Service Response to Past Adoption Practices* <https://aifs.gov.au/publications/archived/77>

⁶ Through the remainder of the submission, 'children' is taken to represent one or more children.

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model is no longer workable, given the low number of adoptions that occur annually in Victoria (under 30 per year),⁷ and undermines the development of the specialist expertise and profound understanding of the implications of adoption, and the need to retain contact with the child's family. Responsibility for adoption services and practice should in the future be located within a *single* government department, the Department of Health and Human Services.

Importance of family preservation

We believe that the guiding principle that must underlie all policy in Victoria that impacts upon children and families be that ***every child has a right to be raised in their own family***, with ongoing support provided for the family as needed to enable this to be achieved.

The Victorian Parliamentary Apology for Past Adoption Practices stated, "We undertake to never forget what happened and to never repeat these practices",⁸ and yet we do not see that the policies and practices are in place to deliver upon this promise. The Child, Youth and Family Act 2005 lists adoption as an option too readily available.

Thus, the Victorian government must provide sufficient funding for best practice support services to maximise family preservation and deliver on its promise.

Recommendations to increase family preservation

In order to ensure that every child to be raised by their own family, we recommend:

- Additional funding for early intervention and ongoing support for families facing challenges;
- If out-of-home care is ultimately determined to be the best option for the child, ongoing access and contact must be maintained with the natural family, with the understanding that the mother will be able to get her children back;
- Prioritisation of kinship carers, such as grandparents, to keep children within their family unit;
- In the limited cases in which adoption is the final outcome, then open adoption should be the only model, with information shared between the children and their natural family, and with no change to their original birth certificate;
- Intercountry adoptions should be by exception only – children are best raised in their own country and culture;
- Statutory responsibility for the provision of Victorian adoption services should be solely vested with the government department responsible for adoption (and not with non-government agencies);
- Fully- funded provision of services providing unbiased counselling and information – including written information outlining the options and support available and the contact details of organisations such as ARMS and VANISH where information can be provided by individuals with "lived experience" should be available for all women who find themselves pregnant, to present them with the full range of choices, as well as support throughout pregnancy and early motherhood should they choose to raise their child;

⁷ Australia Institute of Health and Welfare, *Adoptions Australia 2017–18*, accessed at <https://www.aihw.gov.au/getmedia/6d9374b3-974c-4ba3-8134-d59979733c87/aihw-cws-66.pdf.aspx?inline=true>

⁸ Victorian Parliamentary Apology for Past Adoption Practices, 25 October 2015, available at <https://www.parliament.vic.gov.au/images/stories/documents/assembly/Apology.pdf>

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- Reinstatement of Parenting Payment Single as the ongoing benefit for single mothers raising dependent child up to the age of 18, and increase the taper rate to facilitate women trying to work their way out of poverty and government dependence;
- Expansion of practical support for single mothers raising children, by funding an expansion of the Council of Single Mothers and their Children's support services to reach more single mothers; a funding request is currently with the Minister for Women.

Adequate levels of support for single mothers

The role of financial support in removing the need for adoption has been demonstrated by recent Australian history. When Federal benefits were made available - namely, the Supporting Mothers Benefit introduced in 1973 - adoption rates plummeted.

Introducing accessible government benefits similar (but not yet equal) to those available to widows was instrumental in the rapid decline in numbers of children given up for adoption from 1972 onwards, together with shifts in community attitudes towards single mothers, and access to contraception and safe abortion.

However, the income security system continues to penalise single mothers and leave them struggling to raise children in precarious financial circumstances. The Federal policy of shifting single mothers from Parenting Payment Single to Newstart when their youngest child turns 8 is creating poverty that undermines the wellbeing of the mother and children, jeopardises the children's long term future as citizens and economic participants, and may be complicit in some mothers losing children to out-of-home care. We strongly recommend (above) that this damaging legislation be reversed and that Parenting Payment Single be reinstated for all single mothers raising dependent children (up to age 18) who are in need of government support to undertake the essential unpaid care work of raising the next generation.

In the 50 years since Council of Single Mothers and their Children (CSMC) was founded, we have achieved progress from prejudice and discrimination against 'unwed mothers' for their relationship status and their "illegitimate child" to virtually disregarding the relationship status of single parents, whether separated, divorced, widowed, single mother by choice or other.

Nonetheless, single-mother-headed households is the family structure most frequently in poverty in Australia, with many experiencing systemic pressures that impact upon their ability to raise their children, including widespread financial hardship, lack of adequate accommodation, ongoing marginalisation, and negative bias. In Victoria, of the 12.7% of families (194,245 families) that are headed by a single mother,⁹ one in four is living below the poverty line (compared with 12% of couple families).¹⁰

Council of Single Mothers and their Children

Council of Single Mothers and their Children (CSMC), since its inception as a self-help organisation, has a long history of working and advocating for women who were forced to give their child up for adoption. Founded in 1969, our early CSMC members were single mothers who kept their children despite facing enormous social pressures to give them up and economic barriers to maintaining

⁹ 2016 Census, Australian Bureau of Statistics, accessed at http://www.censusdata.abs.gov.au/census_services/getproduct/census/2016/quickstat/2

¹⁰ Based on the 50% poverty line; ACOSS and UNSW *Poverty in Australia 2018*

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them – as well as mothers who had been forced by these social pressures to “give up” their child for adoption. As one of our early founders recalled of a friend who, like her, intended to keep her child:

“She had it all prepared that she would bring her baby home to my place and she would look after both babies while I went to work and then I would look after them and she would go to work. I visited her in hospital and she was in tears. She said, ‘I have to give the baby up, they say that if I love her, I’ll give her up.’”¹¹

The work of CSMC was pivotal in securing the first Federal benefit for single mothers, the Supporting Mothers Benefit, in 1973; the transfer to the Federal Government in 1980 of full responsibility for all payments of the Supporting Parents Benefit (rather than part-payment by the State at a lower level); and the introduction in 1989 of the Sole Parent Pension (the payment becoming a “pension”, and not just a “benefit”). CSMC’s work to secure legal rights for their “ex-nuptial” children also naturally extended to the legal and moral rights of natural mothers and adopted children. They were involved in organising the National Conferences on Adoption held in 1976, 1978 and 1982. Indeed, it was through these conferences that some early members were finally able to reveal to one another that they had previously given up a child for adoption, and could not again part with a child when they were pregnant for a second time.

“I had always told myself that my decision at the time of giving Laura for adoption was inevitable and that I had done the right thing. I felt I had had no choice. Then, a group of us at the conference [in 1982] were talking about our experiences and what things had been like back then. I stopped and said, ‘But I didn’t have any choice in it.’ Then something snapped in place in my brain. I stopped and said, ‘But of course I had a choice. I could have kept my child!’ Horrors!”¹²

The 1982 conference resulted in the formation of the Association of Relinquishing Mothers (ARMS), with some founding members also members of CSMC, and a longstanding working relationship that continues to this day. We are supportive of their submission to this inquiry.

CSMC and National Council of Single Mothers and their Children (NCSMC) were involved in the review of the Adoption of Children Act 1964, which resulted in the Adoption Act 1984. The 1984 Act had a greatly increased focus upon the needs of the children, and enshrined their right to information about their natural family.

For further information about the intersections between CSMC and the issues of forced adoption, please see our book, *Single but not alone: the first 40 years of the Council of Single Mothers and their Children*, which we provide to the Committee via post with markers in the relevant passages.

Reflections on responses to historical forced adoptions

With greater understanding of the long-term effects of being forced to give a child up for adoption, comes knowledge of the supports needed to enable the mothers and children forcibly separated by adoption to understand and seek support for the resultant impact, and ultimately heal.

¹¹ Brenda Richards, quoted in Carson, Deanne and Hendry, Fiona *Single but not alone: the first 40 years of the Council of Single Mothers and their Children*, 2012, p.6

¹² Carson, Deanne and Hendry, Fiona, *Single but not alone* p.15

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The specialist services that has long been delivered by organisations such as ARMS and VANISH have never been adequately funded to provide a service to all those who need it across Victoria, in terms of both affordability and geographic reach. Despite receiving some funding to deliver services following the Victorian apology, the funds have proved to be inadequate, time limited, or both.

Other support systems put in place following the national apology are not appropriately specialised, as discussed below.

The Commonwealth Senate Community Affairs References Committee Report recommended that state governments, institutions and organisations involved in the practices of adoption make financial contributions to support provision of specialist support and counselling services and peer-support groups.¹³ While the Victorian government has provided funding, although it has not been sufficient to provide services at the level needed, agencies and institutions complicit in these practices have not yet contributed financially to the services that remain to critically needed.

Summary of recommendations

- Funding should be increased to the relevant specialist services to ensure that there are sufficient Search and Support Workers; complimentary specialist counselling offered to those affected by historical adoption practices; delivery of training in adoption-competent counselling; and expansion of the peer support group model.
- Family information searches should be offered at no cost, with equal access to birth certificates for mothers as for adopted adults.
- Integrated birth certificates should be introduced.
- A grievance mechanism with redress should be held, including free legal advice and a lifting of statute of limitations. The process should be funded by the Victorian government, agencies and institutions that were involved in the practices of forced adoption.

These recommendations are presented in greater detail below.

Access to information

The right to access to information is established, but the processes are not in place to make this right effectively accessible to all people affected by adoption. VANISH does family tracing however their funding is inadequate to support all Victorians affected by past adoption practices who are seeking family information. Furthermore, the costs of undertaking the search process can be prohibitive for some parents and adopted adults seeking information (for example, up to \$1000 if multiple searches do not produce results).

Of ongoing concern is that mothers forced to give their children for adoption do not currently have the same rights to access birth certificates as adoptees.

Finally, integrated birth certificates for adult adoptees that list both natural parents and adoptive parents should be available on request as a legally valid document.

¹³ [Senate Community Affairs References Committee Report, Commonwealth Contribution to Former Forced Adoption Policies and Practices](#), February 2012, p.x

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Recommendations

- VANISH should be adequately funded to enable employment of additional Search and Support Workers;
- VANISH also should be provided with funding to cover the cost of all searches, and the government administration fee removed for their workers to access the required certificates (as per the South Australia model);
- Mothers separated by adoption must have the right to access their children's birth certificates;
- Integrated birth certificates must be available for adult adoptees as a valid legal document.

Counselling

The recommendation in the Senate Community Affairs References Committee Report into Commonwealth Contribution to Former Forced Adoption Policies and Practices was that:

“Commonwealth, states and territories urgently determine a process to establish affordable and regionally available specialised professional support and counselling services to address the specific needs of those affected by former forced adoption policies and practices.”¹⁴

Relationships Australia Victoria (RAV) receives funding from the Federal government through the Forced Adoption Support Services to provide “coordinated specialist support services”.¹⁵ However, that has not included provisions of counselling until recently - and the counselling available is not sufficiently specialised, nor affordable, for all people affected by adoption. We suggest that this contract should be revisited, with regard to whether RAV is the right party to be undertaking this support in Victoria. As outlined below, it is recommended that VANISH be funded to provide these services.

Provision of ongoing counselling is required for women who have been forced to give up children to adoption in the past, and to those adults who were adopted as children, whose lives continue to be impacted by the long term effects, and who may be seeking their children/ natural parents, making contact, or potentially having contact rejected.

The experiences of numerous mothers and adopted adults who have sought counselling from generalist counsellors, psychologists and psychiatrists - and found their issues misunderstood or dismissed - clearly demonstrates that counselling must be provided by specialists with professional expertise in understanding the long-term repercussions of forced adoption. The skills needed include: education in the historical context of the unethical and illegal practices of forced adoption; trauma-informed practice; and knowledgeable understanding of triggers. Specialist training to create more counsellors adequately equipped to support people affected by forced adoption is essential. For example, VANISH developed 2-day training in following the 2015 Victorian apology, however it is no longer delivered due to a lack of funding.

Following the National Apology, significant funding was made available for services, however adequate specialised services were not available, and the limited services delivered did not have

¹⁴ [Senate Community Affairs References Committee Report, Commonwealth Contribution to Former Forced Adoption Policies and Practices](#), February 2012, p.x

¹⁵ As detailed on the Department of Social Services Forced Adoption Support Services webpage: <https://www.dss.gov.au/families-and-children/programmes-services/family-relationships/forced-adoption-practices/support-services-for-people-affected-by-past-forced-adoption-policies-and-practices>

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substantial positive impacts in the 12-month period, with the unexpended funding reabsorbed by Government at end of the year.

The national inquiry recommended that federal and state governments, and the institutions who undertook forced adoption practices, should contribute financially to providing sufficiently funded ongoing counselling services for people who have been affected by past forced adoption practices.

Recommendations

- Fund VANISH to offer eight complimentary sessions, with capacity to offer more in some cases, delivered in the metropolitan region by in-house counsellors and statewide via brokerage. Fund the delivery of their proven brokerage model of referring clients to 'adoption competent' counsellors, including in rural and regional Victoria.
- Fund VANISH or Blue Knot Foundation to deliver training in trauma-informed adoption-competent counselling.

Peer support groups

The value of peer-to-peer support for people affected by historical forced adoption is established. Peer support groups are delivered by organisations such as ARMS (for mothers) and VANISH (for adopted persons and mothers) - however there is insufficient funding to coordinate sufficient groups in metropolitan and regional Victoria.

Recommendation

- Increase funding for peer support group delivery by ARMS and/or VANISH, or consider an alternate model of regional outreach work. For example, having a drop in service with a specialised worker one day per month in key regional hubs.

Reparation and redress

Morally there is a strong claim for compensation for people affected by forced adoption in Australia, comparable with reparation and redress schemes that have been implemented for the Stolen Generation, Forgotten Australians and victims of institutional child sexual abuse.

The Commonwealth Senate Community Affairs References Committee Report recommended that financial reparation schemes be considered and that grievance mechanisms be established with institutions and government responsible for adoption activities in the 1950s-1970s to enable redress.¹⁶

While some institutions have issued apologies - some of which have not fully acknowledged the role the institution played in these practices - other institutions have not yet apologised.

CSMC believes that both reparation and redress are important in addressing the lifelong damage done to mothers and children separated by forced adoption practices.

¹⁶ [Senate Community Affairs References Committee Report, Commonwealth Contribution to Former Forced Adoption Policies and Practices](#), February 2012, p.x

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Recommendations

- Free legal advice for those affected by forced adoption processes;
- Grievance mechanism with redress that involves, and is funded by, the Victorian government, agencies and institutions that were involved in the practices of forced adoption;
- Statute of limitations lifted on the issues related to historical forced adoption practices.