"That was then...but this is now" : Historical perspectives on intercountry adoption and domestic child adoption in Australian public policy

Cuthbert, Denise; Spark, Ceridwen; Murphy, Kate

https://researchrepository.rmit.edu.au/esploro/outputs/9921858134101341/filesAndLinks?institution=61RMIT_INST&index=null

---

Cuthbert, D., Spark, C., & Murphy, K. (2010). That was then...but this is now": Historical perspectives on intercountry adoption and domestic child adoption in Australian public policy. *Journal of Historical Sociology*, 23(3), 427–452. <https://doi.org/10.1111/j.1467-6443.2010.01376.x>
Document Version: Submitted Version

Published Version: <https://doi.org/10.1111/j.1467-6443.2010.01376.x>

Repository homepage: <https://researchrepository.rmit.edu.au>

© 2010 Blackwell Publishing Ltd

Downloaded On 2023/04/26 21:29:54 +1000

Thank you for downloading this document from the RMIT Research Repository.

The RMIT Research Repository is an open access database showcasing the research outputs of RMIT University researchers.

RMIT Research Repository: <http://researchbank.rmit.edu.au/>

Citation:

Cuthbert, D, Spark, C and Murphy, K 2010, "'That was then...but this is now' : Historical perspectives on intercountry adoption and domestic child adoption in Australian public policy', *Journal of Historical Sociology*, vol. 23, no. 3, pp. 427-452.

See this record in the RMIT Research Repository at:

<https://researchbank.rmit.edu.au/view/rmit:15835>

Version: Submitted Version

Copyright Statement: © 2010 Blackwell Publishing Ltd

Link to Published Version:

<http://dx.doi.org/10.1111/j.1467-6443.2010.01376.x>

***“That was Then, but This is Now”*: Historical Perspectives on Intercountry Adoption and Domestic Child Adoption in Australian Public Policy¹**

Denise Cuthbert, Ceridwen Spark, Kate Murphy

School of Political and Social Inquiry, Monash University; School of Social Sciences and Psychology, Victoria University; School of Philosophical, Historical and International Studies, Monash University.

Abstract

This paper brings historical perspectives to bear on the ambivalent and contradictory position of adoption in Australian public policy. It examines the divergent histories of Australian domestic and intercountry adoption (ICA) since the mid-1970s and the impact of these histories on adoption policy in Australia. It identifies tendencies in contemporary ICA to repeat elements of pre-reform era domestic adoption. In particular, it is argued that the resistance of ICA to the move to openness in local adoption has been an unacknowledged driver of ICA for many Australian families. We offer corrective readings of the rise of ICA in relation to domestic adoption and conclude by offering alternatives for adoption policy which better align the two kinds of adoption, focusing on the needs of children, as distinct from the desires of adults.

* * * * *

“How can adoption be *so bad* for Australian children, and *so good* for children born overseas?”

(*Senior children's services officer, Australian state government, 2008*)

Introduction

In 2004, the sociologist Rosemary Pringle argued that adoption had lost credibility as a social policy option in Australia.² Pringle's assessment is made in the context of an analysis of adoption reform in Britain. It is, perhaps, in contrast with the situation in Britain and other jurisdictions including the United States that the low public policy status of adoption in contemporary Australia is thrown into relief.³ The 2005 report of the Australian House of Representatives Standing Committee on Family and Human Services (hereafter HRSCFHS) into intercountry adoption (hereafter ICA) states that adoption in Australia is the “poor relation” of child placement policy.⁴ These views appear to be confirmed by the annual data of the Australian Institute of Health and Welfare which show decline in domestic adoptions

in Australia since the peak years of the early 1970s.⁵ The data also show precisely that it is adoption *as a social policy option* within Australia and not adoption *per se* (or more particularly, adoption as a route to family formation for certain individuals) which is suffering from credibility problems. The distinction is an important one. The data which document the decline of domestic adoption in Australia from the mid-1970s also document the rise of intercountry adoption over the same period. At over 70% of all adoptions, ICA is now overwhelmingly the most popular mode of adoptive family formation in Australia.⁶

It is as if in the Australian context, we are looking at two entirely different ideas of adoption. The adoption of Australian children is held in suspicious disregard by the public and with either ambivalence or disfavour in public policy which, for historical reasons outlined in this paper, has since the 1980s, emphasised family preservation as the major objective for children brought to the attention of welfare authorities. At the same time, demand for overseas-born children for adoption by Australian families far outstrips supply, with the costs and delays associated with ICA regularly receiving critical attention in the media and prompting the 2005 inquiry by the HRSCFHS.⁷ The tensions, indeed contradiction, between these two views of adoption – as being simultaneously *good* for children born overseas, while somehow *bad* for Australian children – is expressed in the riddle articulated by a senior state government official quoted at the beginning of this paper. In this article, we turn to aspects of the history and development of domestic adoption and ICA in Australia for the insights this might provide into the contradictions inherent in the contemporary politics of adoption in Australia.

We argue that some insights into the contradictory positions held by local child adoption and ICA in public policy and popular opinion in contemporary Australia can be obtained by reference to the historical development of these two modes of adoption in this country from the mid-1970s to the present. This historical contextualisation is necessary because contemporary discourses on adoption in Australia, particularly those generated by the increasingly well-organised ICA proponent lobby, tend to obscure key aspects of this history in the service of particular objectives. Our reading of the divergent histories of domestic adoption and ICA in Australia highlight the ways in which contemporary adoption policy and politics in Australia uneasily straddle the tense divisions inherent in *all* adoption policy and practice between adoption understood as a social policy option for the state for the placement of children in need of families, and its conception as a way to meet the private needs of adults in search of family. Arguably, the marked ascendancy of ICA over domestic adoption in Australia in the last three decades has pushed to the foreground a view of adoption as being primarily a mechanism by which parents access children. In the service of this view and the objective of securing greater numbers of children in reduced time and with reduced costs to adoptive families, other views of adoption and important elements in the historical development of both forms of adoption in Australia have been obscured. While the

dramatic contrast between the status of domestic adoption and ICA may be particular to adoption politics in Australia, the moral and social policy dilemma it evinces between the two views of adoption outlined here is of relevance internationally.

In this article we examine the divergent histories, development and meaning of domestic adoption and ICA in Australia and their implications for adoption policy. We are concerned with how aspects of the history and development of both local adoption and ICA have been suppressed in the narratives which circulate in contemporary adoption discourses to serve certain objectives which may be described as *adoption-focused* approaches to children in need (as distinct from child-focused approaches to their needs, which may include adoption alongside other measures).⁸ It is argued that reference to the history of adoption in Australia is also important in bringing to light similarities between past domestic adoption practices and features of ICA in the present. We argue that aspects of contemporary ICA repeat elements of the practice of local adoption in the past – particularly with regard to the circumstances in which children may be relinquished for adoption and the narratives of orphans, abandonment and unwanted children which drove domestic adoption in the past and circulate around ICA in the present. Following this historical analysis, we examine two recent Australian parliamentary inquiries into adoption and related matters which attempt to re-frame adoption in relation to its troubled and divergent histories.⁹ In the final section of the article, we outline what we see as a more appropriate way of re-aligning ICA and domestic child placement within a more coherent social policy framework.

Re-Framing the History of the Rise of ICA and the Decline in Local Adoption in Australia

Adoption has always been ambiguously situated between being understood primarily as a mechanism by which children in need of family may be placed with caring parents, and one by which the interests of adults in need of children to form a family may be served. This translates, roughly, to adoption understood as public policy meeting a public need (in the interests of children in need of family-based care) and, by distinction, as a private endeavour fulfilling individual and personal desires. The possibility of formulating public policy that can serve *both* the public needs of children seeking care and the private desires of couples and individuals for children has inspired and challenged legislators and policy makers since the inception of legislated adoption in the United States in 1851, and in Australia in 1896. Although, there is evidence to suggest that legislated adoption in both of these countries, and comparable jurisdictions in Canada and the United Kingdom, has frequently fallen short of the ideal of securing the public policy benefit of serving the interests of children and meeting the needs of the adults who adopt them. Some critics suggest that legislated adoption is biased towards the interests of adoptive parents and the state which is relieved of the burden of the support of children for whom adoptive placements are found.¹⁰ The theoretical capacity

of adoption to meet the needs of children and adoptive parents within the context of any individual nation-state is further complicated and compromised in the case of ICA which sees parents from one place seeking children in another, and frequently bypassing such children as may be available for adoption in their own jurisdiction in preference to children sourced from elsewhere. This is the situation which has emerged in Australia, most markedly, in the last 30 years, where ICA now constitutes over 70% of all adoptions.¹¹

ICA has a short and successful history in Australia, as measured by the statistics relative to domestic adoption. Commencing formally with the Saigon baby lift in April 1975, ICA has developed along a different trajectory and is subject to different socio-political dynamics from those shaping Australian domestic adoption. In the same period, domestic adoption has not only seen a dramatic decline in numbers but also – and this is overlooked in narratives of the rise of ICA – has undergone dramatic transformation with the consequence that domestic adoption now looks little like the “secret and sealed” affair it was in the decades from 1945 to 1975. There is a need for a more historically-informed understanding of the transformations to domestic adoption in the last thirty years and their role in the rise of ICA.

An accepted account of the rise in popularity of ICA in Australia is that from the 1970s prospective parents increasingly turned to ICA because of the limited availability of babies locally. This account creates the impression that, on the basis of supply and demand alone, ICA in Australia, as elsewhere, escalated because domestic adoption could no longer meet “market” demand. Parents in search of babies to adopt took their search off-shore when both demand and preference could not be met in the local “market.” As is well documented, the combined effects of the introduction of the Single Parent's Support Benefit by the Gough Whitlam Labor government in 1973, more freely available contraception, changing sexual and moral values with respect to exnuptial sexual relations and any children which might issue from these, and the de-stigmatisation and ultimately the abolition by law of illegitimacy all worked to reduce the numbers of children, especially neonates, being made available for adoption in Australia from the mid-1970s.¹² However, this received account, for all its usefulness, obscures the complex cultural politics surrounding adoption which lead from 1976 to the early 1990s to the transformation of domestic adoption through both law reform and marked shifts in adoption practice. Thus, a re-framing of this historical narrative is required to bring these transformations to local adoption in the same period into view and scrutinise their impact on the rise of demand for children born overseas by Australian adoptive families.

Not only is there significant co-incidence between the declining numbers of domestic adoptions (marked from 1973) and the rising numbers of IC adoptions (steadily increasing since 1975),¹³ but these developments are confluent with turbulent political agitation on the issue of past domestic adoption practices and calls for reform of adoption law affecting both

past adoptions and the terms on which future domestic adoptions could be pursued. Further, what distinguishes the adoption reform movement in Australia from comparable movements in other countries such as the United States is its success in securing legislative reform and marked changes in both the philosophy and practice of adoption. From 1984, all but one Australian state and territory legislated to open records pertaining to past adoptions.¹⁴ By contrast, only a handful of states in the United States have done so. This political agitation erupted into public prominence with the first national adoption conference held in Sydney in 1976,¹⁵ which was the culmination of concerted activism. The adoption reform movement resulted in the transformation of domestic adoption in Australian states and territories in the period from 1984 to 1994 in which reformed adoption legislation removed provisions for secret and sealed adoptions, put in place avenues for adoptees and birth parents to access previously sealed birth and adoption records, and with some variation, moved to make future adoptions more “open” in terms of both information and contact.¹⁶ Openness in adoption refers to a series of measures and includes the retrospective action of opening previously closed birth and identity records to parties to the adoption; and provisions for present and future adoptions which range from the establishment of “mailbox” or similar facilities for the moderated exchange of information, photographs, letters and birthday greetings between birth family and adoptee, to the far greater degree of openness entailed in adoptee and birth family having ongoing contact with each other, in appropriate and negotiated circumstances.¹⁷ By “opening adoption”, Australian state and territory legislatures and the welfare bureaucracies which implemented these legislative reforms fundamentally changed the terms on which the adoption of local children were undertaken and understood in Australia.

The effect of these transformations on the attractiveness of local adoption – irrespective of the availability of “suitable” children for local adoption – needs to be considered as an important driving factor in the divergent developments of domestic and ICA from this period. In 2000, D. F. Moppett, a member of the New South Wales Legislative Council with experience in child welfare and adoption issues in that state, links the decline in local adoptions to its transformations through adoption reform as outlined above. Complicating the supply and demand thesis, Moppett argues that it is not the number of children available which is at issue; it is the *unattractiveness* to many Australian families of post-reform open adoptions:

As I have said, we are now dealing with a very small demand for [local] adoption. Regrettably, society moves to make its own solutions in these very complex and emotional matters. We hear of facilities being made available to adopt children in other countries to avoid this open adoption, which people do not find attractive. We must think about that and consider the implications.¹⁸

Moppett does not refer to the “supply” side of the local adoption, but to “demand” for it. Reformed open adoption involving Australian children is the issue: “people do not find [it]

attractive.” Intercountry adoption arises, he contends, “as society moves to make its own solutions” by bypassing unattractive domestic adoption laws and moving offshore in search of children for adoption *and* a mode of adoption which better suits its needs. The rise of ICA is a response to reformed local adoption. Overseas children are sought expressly to “avoid this open adoption” available locally.¹⁹

“Adoption is Now a Dirty Word”: the Policy Implications of Attitudes to Domestic Adoption in Australia

As outlined, the political agitation on the part of birth parents, particularly mothers, and others, including social workers gathered pace in the late 1970s and continued through the 1980s and into the 1990s. During this same period, the impact of the series of parliamentary inquiries into disastrous outcomes for several groups of “removed” children, including Indigenous, white Australian, and the British and Maltese children who traveled to Australia in imperial migration schemes well into the twentieth-century, had a profound impact on public perceptions of adoption.²⁰ Revelations of the mistreatment of children under past policy, coupled with the publicity surrounding the adoption reform movement compounded a profound cultural, social and political shift from the unequivocal endorsement of adoption as an unproblematic social good – for all concerned – which prevailed since the end of World War II²¹ to a more critical assessment of adoption. The shift in the evaluation of adoption in Australia is marked in the period since the 1970s.²² One adoptive mother observed in the late 1990s that “adoption is now a dirty word but it was different [in the 1960s].”²³ The 2005 and 2007 reports of inquiries conducted by the HRSCFHS found that the darker aspects of the history of child removal and child placement in Australia continue to haunt the child welfare policy domain, generating an entrenched anti-adoption bias and a belief that the best outcomes for children lie in them remaining with their families of origin.²⁴

It is in this complex cultural, social and policy context that the emergence of ICA must be understood. Further, as we argue here, the emergence of formal ICA in Australia in the publicity blaze surrounding the Saigon baby lift in April 1975 adds a further active element to this complex mix. As D. F. Moppett argues in 2000, the growing popularity of ICA, represents a social attempt to bypass the legislative reforms to adoption in Australia, and has significant “implications” for Australian governments and the community. For governments in Australian state and territories (as distinct from the federal government) which bear constitutional responsibility for matters pertaining to the welfare of children, including adoption, the implications have been profound. As demand for children for adoption from overseas increases, state and territory governments are left with the on-going challenges of providing various forms of out-of-home care to increasing numbers of children for whom permanent placements are rare.²⁵ Adoption exists as one of several social policy options for the care and placement of children alongside foster care, kinship care and

permanent care. The state seeks to recruit families willing and suitable to take on the care of children whose own families are unable to care for them.

By contrast, for those same state and territory government departments which also manage the selection of parents and the placement of children in ICA, there is no shortage of prospective parents. As reported by senior officers in two state governments, significant “front end” resources in state and territory agencies are now directed to intercountry adoption applicant waiting-list management. Many in these departments feel, with good grounds, that this is a long way from their “core” business of social service delivery, namely the care and welfare of Australian children in need.²⁶

While governments managing domestic adoption seek the services of those willing to take on the care of local children, prospective ICA parents seek – and in many cases this appears more like demand²⁷ – the “services” of government to assist in the process of accessing children from other countries for adoption and the expedient processing of applications and placements. Put simply, the public policy domain of domestic adoption and other forms of out-of-home care including foster and permanent care is a continual search for parents. By contrast, the public policy domain in which ICA is regulated and administered is a matter of managing the often frantic desire for children of applicants who far outnumber the children available and the publicity that increasingly well-organised parents' organisations generate around this issue. The contradictions continue: state and territory children's departments deal simultaneously with adoption under increasingly open conditions for local children, and with adoptions which have been barely touched by the reform movement with respect to overseas children. The progressive reforms to local adoption in the period since 1975 exacerbate what was identified as early as 1975 by the Adelaide-based Institute of Social Welfare as a “double standard” in the terms and conditions of adoption for Australian children as compared with those pertaining to the adoption of children born overseas.²⁸ What might be “best practice” in adoption for children comes down to where that child is born: Australian children are subject to adoption as reconstructed by the reform movement of the 1980s and 1990s, overseas children are adopted by Australian families under different regimes.

The contradictory dynamics of the two kinds of adoption highlight the competing and divergent interests within Australia of prospective adoptive parents, local children in need of permanent care, and “parentless” children overseas, the state, and the oft-neglected but complex considerations which pertain to the interests and welfare of the birth families of overseas children. As we argue below, the interests of the families of these overseas children have the additional benefit – or impediment, depending on the view being taken – of being off-shore, out of sight and potentially out of mind.

“All you Want is a Family ... ”

Some insight into how the “out of sight and out of mind” families of children born overseas inform the decision of some parents to favour ICA over domestic adoption is provided in the North American adoption memoir of Jill Smolowe, *An Empty Lap*. Smolowe writes of how, after years of failed fertility treatment, she and her husband settled on ICA as a way of securing a family:

We also agree that neither of us feels up to the emotional rigors of an open adoption [...] Our mutual preference is to keep the birth parents as distant as possible. We acknowledge that we want our love and our claim to be exclusive, unrivalled, unchallenged.

Given that need, we agree, an international adoption might be the most comfortable. It's an option that makes sense for us [...] For me, there's the additional hope that an overseas adoption will move more swiftly.²⁹

Because of the Smolowes' need to make an “exclusive, unrivalled, unchallenged” claim over a child, they opt for ICA as their preferred route to adoptive family formation expressly because of its capacity to keep “the birth parents as distant as possible.” Smolowe writes that they were aware that their particular checklist of preferences for both *mode of adoption* and *type of child* represented a “grab bag of choices [that] will incur certain risks.”³⁰ Nonetheless, they are prepared to wear these risks to secure a child over whom they will have an exclusive claim. For this reason, ICA represents the “most comfortable” option. In the calculations which are set out somewhat ungraciously in *An Empty Lap*— female baby tick, black baby definite no, Asian baby maybe – it is difficult not to conclude that the considerations of “comfort” and “what makes sense to *us*” (emphasis added) stack up on the side of Smolowe and her husband, while the “certain risks” are largely to be borne by their adopted child.

The grounds of Smolowe's preference for ICA over local adoption support the more complicated narrative of the rise of ICA and the decline of domestic adoption we propose in this article. This narrative requires that rising demand for ICA should not be understood simply as a response to the decline in suitable children for adoption locally. Rather, as Smolowe's story confirms, for some parents, the active preference of ICA over local adoption needs also to be understood as a reaction against the prevailing philosophies and practices in post-reform domestic adoption which have created, in varying degrees, modes of open adoption which some prospective parents perceive as potentially impinging on their capacity to make an exclusive and unrivalled claim over the child they adopt.

The views of many Australian IC adoptive parents echo the sentiments of Smolowe as evinced in statements made in community consultations conducted as part of the Australian parliamentary inquiry into intercountry adoption in 2005:

The beauty of intercountry adoption is that, in most cases, while the records are there, as far as the child is concerned it really has only one set of parents to deal with. You have a much more natural situation. As a couple, you can bring them up in the way you believe is appropriate. You can deal with problems in the way you believe is appropriate. So, yes, if that is what you mean by finality, I think it is a very positive thing about intercountry adoption.³¹

There is a thing now called open adoption for local adoptions, so you have to take into consideration whether your family is able to cope with the intrusiveness that may or may not occur.³²

Many IC adoptive parents claim that “all [they] want is a family” and that they are not at all particular as to the colour, culture or race of the child:

All you want is a family. It does not matter whether your children are white, black or brown. You do not see them that way; you never see them as being a different colour.³³

It seems, however, that many families remain quite particular about the mode of adoption they are prepared to entertain and the model of family to which many subscribe is one which is closed, autonomous and final. A mode of adoption which may entail “bringing not only your child but your child's family into your family”³⁴ is rejected and the long wait for a child born overseas, with some “paper pregnancies”³⁵ lasting upwards of five years, commences.

The logic by which ICA emerges as the most “comfortable” form of adoption for parents frequently renders the *most* abandoned child as the *most* desirable child. Within this set of ICA proponent discourses, as we argue below, seemingly old or outdated adoption narratives of the “salvation” and “redemption” of children in need by worthy and deserving adoptive parents can be rehearsed, largely unchallenged by the counter-claims of birth families whose “abandonment” of their children disqualify them to speak or whose geographical distance renders their voices inaudible.³⁶ This reasoning seems also to account for the apparent popular endorsement of ICA in Australia, which exists in parallel with continued ambivalence to the adoption of domestic children, as expressed cogently in the riddle posed by a government child placement officer, quoted at the beginning of this article. One answer to this riddle may be that ICA is perceived as being good for children (as distinct from local adoption which is apparently bad for Australian children) because it is *good* for parents. That is, ICA appears to promise a form of adoption uncomplicated by the sorts of considerations which have re-shaped domestic adoption in Australia since the late 1970s. Again, Moppett's experience with adoption, then and now, confirms this view:

But they [i.e. adoptive parents with adoptions pre-dating the reformist Adoption Information Act 1990] all told me that if they had their time again they would not enter into an adoption contract, as it were. They believed that the adoption arrangements offered today were not the arrangements that they had entered into. They felt that they would not be prepared to make that lifelong commitment to the welfare of the children—to embrace them as if they were their own children and to incorporate them in their aims and aspirations and all the complexities of modern family life—if they knew that at some point that relationship could be challenged by the arrival on the scene, for whatever reason, of a previously unrecognised, but not unknown, birth parent or sibling [...]³⁷

Thus, the increasing popularity of ICA with Australian adoptive parents needs to be re-framed as being due to a complex combination of factors. It is not sufficient to claim that it is merely because of the relative difficulty in accessing (suitable) children to adopt in Australia. Australian families, such as those who came before the 2005 HRSCFHS inquiry, and those dealt with by Moppett in his role in the 2000 inquiry into adoption in New South Wales tell a somewhat different story about their route to ICA. These parents reveal that adoption law reform in Australia has produced a mode of more open adoption which no longer appeals to them. As for Smolowe and her husband, ICA offers many Australian parents what they perceive to be a less complicated and more attractive alternative to post-reform domestic adoption.

That was Then, but This is Now ... : The 2005 and 2007 Reports of the House of Representatives Standing Committee on Family and Human Services

It has been argued that ICA retains elements of the closed modes of adoption which existed in the 1950s through to early 1980s in pre-reform era domestic adoptions in Australia and other comparable jurisdictions, such as the United States.³⁸ There are also other parallels between ICA now and domestic adoption from the earlier period. One of the most striking parallels between (local) adoption in the past and ICA now is the distancing and silencing of birth families, most frequently birth mothers, in the processes of generating the enabling narratives of orphans, unwanted babies and abandonment which provide the political, social and moral rationale for ICA. This narrative process in ICA discourses directly parallels and repeats what Ann Fessler describes as the central premise of “unwanted babies” on which the establishment and validation of pro-adoption narratives in the United States in the period immediately following World War II was predicated:

Social acceptance of adoption needed to be cultivated [in the period after the World War II]. Adoption had not been a common way to build a family in previous generations [...]. Social acceptance was predicated on the idea that these babies were unwanted. This belief

eliminated a potential moral dilemma, especially for adoptive families: most couples, no matter how much they wanted a child, would not want to be involved in taking a child away from a mother against her will. But given the secrecy and the social stigma of the time, adoptive parents were never exposed to the story of the pain and grief felt by so many of the mothers.³⁹

A valuable window onto the cultural and social processes by which the narrative of the “unwanted baby” is generated through the obscuring and silencing of alternative narratives is provided in a range of publications revealing voices formerly silenced in adoption narratives. Fessler's work, for example, uncovers the “hidden history” surrounding the relinquishment of children for adoption in America in the post-war decades, by “breaking the silence” surrounding the separation of thousands of children from their mothers in a series of in-depth interviews with birth mothers. Christine Cole's edited collection, *Releasing the Past*,⁴⁰ documents a similar hidden history in Australia, again drawing on extended testimonials, poetry and artwork of birth mothers. Cole's collection shares the title of the report prepared by the New South Wales Legislative Councils' inquiry into past adoption practice which also reproduces many written and oral submissions by birth mothers that challenge the earlier view that the majority of adopted babies were “unwanted” by birth mothers who gave them up freely.⁴¹ A further publication on these matters is edited by Sara Dorow. This collection reproduces letters written to their babies by mothers in Seoul's Ae Ran Won maternity home.⁴² The testimonies in all three collections challenge the assumption that the child given up for adoption is an unwanted child: by contrast, many attest to the fact that adoption is the regulation of unwanted mothers. While beyond the scope of the present article to explore these birth mother testimonies in detail, the point we wish to make is that the spectre of the birth mother – or more accurately, her politically mobilised and vocal presence in contemporary debates on adoption – represents a significant hurdle to be overcome in attempts to recuperate adoption in Australian public policy.

In 2005 and later in 2007, the Honourable Bronwyn Bishop tabled in the House of Representatives two reports of inquiries which she had chaired. The first of these reports is *Overseas Adoption in Australia*; the second is the *Winnable War on Drugs*, a report in the impact of illicit drug use on families and children. When read together – and in many respects these reports require reading as a continuous document – they represent an attempt to rehabilitate adoption in Australia from its status as the “poor relation of child protection” policy⁴³ to being endorsed politically and socially as a “valid way of forming or adding to a family.”⁴⁴ In child protection matters, adoption is re-envisioned as the “default” policy option for children under certain circumstance.⁴⁵ The committee seeks to endorse adoption as the favoured child of child placement policy, rather than its poor relation. Together these two reports open up a pro-adoption space in Australian public policy debate.⁴⁶ Moreover, they bring together within the one field of discourse both ICA and domestic

adoption and attempt to undo the damage done to the reputation of adoption in Australia by the troubled course of its recent history. The intellectual and political project of both reports is the positive re-integration of adoption within a conservative, family-focussed discourse and policy domain. In the 2005 report on ICA which is unequivocal in its support of ICA, Bishop and her committee arguably exceed their terms of reference with respect to broaching the question of domestic adoption. While the report finally refrains from making any recommendations with respect to domestic adoption, the view is put forcefully that the benefits that so obviously accrue to overseas children from adoption should also be made more available to Australian children who are disadvantaged by the current anti-adoption culture:

The term 'in the best interests of the child' seems to be used as a shield [by state and territory adoption authorities] against any criticism of current [anti-] adoption policy. This has led to tens of thousands of children being placed in foster care and other forms of out-of-home care when adoption could well have been in their best interests.⁴⁷

The opportunity to advance this line of argument is taken by Bishop in the second inquiry. Here, amid a controversial set of recommendations, from which several committee members abstained, the mandatory adoption of domestic children of drug-affected parents under certain circumstances is advocated as the default policy position, and a call is made for the development of a "national adoption strategy" to assist Australian children find permanent care.⁴⁸

It is clear from both the submissions received by the committee inquiring into ICA in Australia and, more importantly, the submissions the committee relies on in drawing up its report and recommendations (and those it appears to ignore),⁴⁹ that the framing of the inquiry into ICA and the final report are both responsive to, and reflective of, the views and interests of a highly organised and effective network of ICA proponent groups and organisations. This publicity-savvy network of ICA proponents and advocates has enlisted celebrity support including figures such as Deborah-Lee Furness (an actor and wife of the prominent Australian actor Hugh Jackman, who adopted children while domiciled in the United States).⁵⁰ The strong pro-adoption representations made to the inquiry, and reflected in the report, serve as a useful foil to the entrenched "anti-adoption" cultures which, both reports allege, prevail in many Australian state and territory children's welfare bureaucracies.

The two Bishop reports may be described as both recuperative and revisionist with respect to Australian adoption and its recent history. The approach is one of attempting to recuperate and restore adoption to its former, commendable position as a social policy option; that is, to a position comparable to that which it enjoyed in the pre-reform era when it was

viewed as an unequivocal social good for all concerned, before the turmoil and complications of the adoption reform movement and other developments, such as the inquiry into the Stolen Generations altered this view.⁵¹ This recuperation is achieved, in part, by means of a selective revision of the problematic history of adoption in Australia. As is often the case with such revisionist projects, it is possible to identify a series of sleights of hand which confuse and conflate elements from the separate and divergent histories of ICA and domestic adoption to produce a version of ICA in which problematic features are represented as having been dealt with as part of the process of adoption reform which has, as we have discussed, transformed Australian local adoption but left ICA untouched. One such sleight of hand is that objections to ICA are held to arise from now out-dated concerns with old, discredited and thoroughly reformed practices in domestic adoption: “[t]he troubling aspect of this [anti-adoption] approach is that the past society attitudes and practices that brought it about are no more.”⁵²

Central to its handling of the “adoption then” versus “adoption now” line of argument is the committee's approach to the politically powerful issue of birth mothers. Mothers who lost babies to adoption in Australia in the decades between 1945 and 1975 have emerged as an increasingly vocal reminder of the damage done by past adoption practices in this country. Further, in their submissions to this inquiry and evidence given in public hearings, birth mothers consistently articulate the view that adoption cannot readily be recuperated from its dark past, and that the “myths and lies” of abandoned babies and unfit mothers which enabled past adoption are being perpetuated anew by supporters of ICA.⁵³

The committee was presented with evidence from Australian birth mothers which highlighted the continuities in practice between past local adoption and contemporary ICA. In this way, Australian women who had lost children to adoption under past domestic policy undertook to represent the otherwise excluded voices of overseas birth mothers in contemporary discussions of intercountry adoption. These voices troubled any easy assumptions about “orphans” overseas in need of loving Australian families.

In framing its final report, the committee had little choice but to tackle the issues raised by Australian mothers front on. In the opening section, at 1.5, the report reads:

The committee received a significant number of submissions from Australian women who had relinquished their own children for adoption between the 1950s and 1970s. These submissions report that, during this time, single mothers were forced to give up their children against their will. These mothers found the process distressing and, by today's standards, many were treated inhumanely. (2005, p. 3)

Briefly surveying and quoting from submissions received from birth mothers, organisations representing birth mothers, and findings from the New South Wales Legislative Council's inquiry into past adoption practices,⁵⁴ the committee concludes its consideration of birth

mothers at 1.9: “The committee sincerely regrets the difficulties that these mothers had to endure, which, for many of them, has [sic] heavily impacted on their lives.”⁵⁵

In the context of continued agitation from groups and organisations representing birth mothers for public acknowledgement and official apologies for the wrongs done to them and their children and the further contention that the parlous practices of child removal they endured in the past continue in overseas countries which send children to Australia for adoption, the writers of the report are sure to seal the matter of the suffering of birth mothers off as a historical consideration only. That is, the concerns of birth mothers are temporally quarantined as only pertaining to the way adoptions were conducted *in the past*. The committee is keen sharply to distinguish this regrettable past from the present. In so doing, they are keen to ensure that the girls who once “went away” do not persist as the women who simply won't go away; and that Australian birth mothers, once silenced by coercive treatment but who have since found their voices, are not permitted to compromise the recuperation of adoption which emerges as the primary objective of the inquiry. Concisely expressing its “regret” for past “difficulties”, the committee moves from this consideration of adoption *then* to *now*.

Adoption now, it is argued, is not like adoption then. Thus, current objections to adoption, such as those raised in submissions by birth mothers, that are based on practices *then* are held by the authors of the report not to be applicable or relevant *now*. The committee lists the ways in which adoption now differs from “bad old” adoption back then, which include:

- birth mothers receive counselling before they are permitted to put up their child for adoption;
- there is now a range of financial benefits to support single mothers;
- being a single parent is no longer stigmatised; and
- adoption is no longer clouded in secrecy. Depending on the circumstances, a mother who gives up her child can continue to have contact or have contact in later years.⁵⁶

This catalogue invites readers to forget, overlook or simply not inquire into the circumstances faced by many relinquishing mothers in ICA, as evinced in the harrowing letters reproduced in Dorow's collection cited above. It invites readers to assume that policies and practices in ICA have been subject to the same reforms that have transformed domestic adoption in many jurisdictions in Australia. Assurances that “birth mothers receive counselling before they are permitted to put up their child for adoption” and “being a single parent is no longer stigmatised” certainly apply in Australia, and it seems that the committee wishes readers to assume that they also apply in Korea, the Philippines, China, Ethiopia and other ICA sending countries. The committee briefly acknowledges that children overseas may be available for adoption through circumstances which “may reflect conditions in Australia one or two

generations ago” but dismisses this consideration in the same breath. Committed to the equation between children's best interests and adoption, it concludes: “it would not be in the interests of the child to refuse to provide them with a family environment in Australia if they cannot be adopted in their home country.”⁵⁷

As outlined above, the circumstances in which many birth mothers give their babies up for ICA reflect many of the circumstances surrounding pre-reform domestic adoption in Australia and other countries, such as the United States. In other words, ICA now and the discourses which support and promote it, look like those circulating around domestic adoption in jurisdictions in Australia and the United States then. Yet, the committee never explicitly addresses the degree to which the admirable reforms in domestic adoption can be said to apply internationally. Again, best practice in adoption is geographically bound; and attempts are made to shift all that may be questioned in the practice of adoption to a past from which we have moved on.

Are There Other Ways of Re-Envisioning Adoption?

We have expressed reservations about the ways in which adoption is presented in the two recent reports of the House of Representative Standing Committee on Family and Human Services chaired by Bronwyn Bishop. Nevertheless, we recognise that there are social and political advantages of finding ways to align domestic adoption and ICA, and frame them within a more integrated approach to child placement and family formation policy in Australia, and in other comparable countries. The final part of this article is devoted to articulating what we see as more appropriate, child-centred ways of re-aligning ICA and domestic adoption. In particular, we highlight the ways in which reconceptualising all ICA as “special needs” adoption usefully challenges the false binary between “damaged” domestic children and their purportedly relatively “undamaged” counterparts overseas.

Indications are that in the future, ICA sending countries will be increasingly making available only older children, children in sibling groups, and children with a range of special needs.⁵⁸ In the early days of ICA in Australia, it was generally acknowledged that all ICAs by their nature needed to be treated as special needs adoptions.⁵⁹ Over time and with the growing demand for ICA, this earlier understanding of ICA has slipped from public view in Australia: perhaps because it is not what the Australian public wishes to see. The rush for babies has seen popular views of ICA transformed from it being understood as an extraordinary response to the plight of children in geo-political and environmental emergencies to a thoroughly normalised route to family formation. We propose the re-framing of ICA itself as special needs adoption as the basis for socially responsible policy. This reframing might also serve as an important reminder that adoption – whether of domestic or international children – is a unique way of making families in which the needs of children must be paramount and which frequently entails complexities and challenges.

ICA has become progressively both domesticised and normalised, and shifted in both policy and popular discourse from being seen as an extraordinary event to a normalised route to family formation in which it is situated at the end point of a much-travelled path which includes years of unsuccessful attempts at natural and then technologically-assisted reproduction. Over time, as the needs and desires of parents in search of children (as distinct from the needs of children in need of families) have risen to prominence in Australian ICA and driven the policy domain, so too has the conception of ICA as special needs adoption *by definition* been obscured from view. This has aided the dichotomy which exists in the popular imagination between complicated, unattractive local adoptions entailing older and frequently “damaged” children (and their damaged families from which no clean break is assured) and ICA which is presented as the more “natural”⁶⁰ mode of adoption, entailing a clean break from birth families and the adoption of younger children.

The term “special needs” has only recently been re-applied in relation to ICA generally in the international research literature and is rarely used in this context in Australia.⁶¹ The research and professional practice on special needs adoption has developed in the context of domestic adoption, particularly in the United States and more recently in the United Kingdom. In these contexts, the placement of special needs children into families through adoption has strong legislative support⁶² and has been accompanied by increased research and development in professional practice directed to the most suitable placements for children with a variety of special needs; and the development of post-adoption support services to achieve the best outcomes for these children.

There are grounds for the view that ICA as a whole is best understood and managed as a form of special needs adoption.⁶³ These are the characteristics of the majority of children adopted into Australia (and elsewhere) from overseas which fulfil with key criteria used in the United States for special needs classification in the context of domestic adoption and which are shown in the research literature to be risk factors for a range of health, developmental and educational challenges.⁶⁴ The majority of IC adoptees entering Australia possess at least one of the following special needs characteristics, and most possess more than one of these:

- age at adoption (commonly older than 1 year, and increasingly between 2 and 4 years)⁶⁵
- racial/cultural background and language spoken/understood being different from those of their adoptive parents;
- the likelihood that they have spent most if not all of their lives prior to adoption in some “out of home care” situation, either fostering or an institution;⁶⁶ and
- the likelihood that they experienced some degree of deprivation, whether material or emotional, prior to adoption.

In United States adoption, the presence of one or more of these characteristics qualifies the child to be managed as a special needs placement.⁶⁷ This classification guides the screening for suitable adoptive parents, and the mobilisation of adoption support and other services to address the special needs of the child, and the adoptive family.

Within this reconceptualisation of ICA as *special needs adoption by definition*, there is scope for the identification of particular children, or children from particular countries, who are by reason of their backgrounds, health or developmental needs considered as being at “greater risk” or with “more profound special needs” than other ICA children. This is not to deny that many IC adoptions are successful and bring great benefits to individual adopted children, and significant satisfaction and fulfilment to their adoptive families. It does, however, constitute recognition that better screening and education of adoptive parents and enhanced post-adoptive supports and services for IC adopted children and their families is contingent on full acknowledgement of their special needs status.⁶⁸

Notwithstanding that the term special needs has only recently re-emerged in the ICA research literature,⁶⁹ evidence from this literature as to the actual backgrounds and needs of the overwhelming majority of ICA children supports the view that the definition, understanding and management of ICA as special needs adoption will assist in the development of better policy and greater public awareness on the nature of ICA in Australia.⁷⁰ This applies to providing prospective adoptive parents with a more realistic expectation of, and preparation for, the challenges and particular hardships for all concerned that may entail on adoption. It may also assist a range of professionals better appreciate the challenges that some IC adoptees face in health, development and educational attainment.⁷¹

As discussed above, it appears that, for many adoptive parents, ICA as presently framed presents a more attractive option than does domestic adoption. A fuller appreciation of ICA as a form of special needs adoption, within which some children may possess greater needs than others, may shift perceptions and preferences for some prospective parents on this issue. Such a re-framing of policy and discourse on ICA is not only desirable but will soon become imperative as global trends in ICA point to fewer babies and young children being made available by sending countries and their places being taken by older children, sibling groups and children specifically designated as having special needs. The differences between the types of children available locally and internationally is thus also significantly reduced, which poses the further policy challenge of reducing the difference between the two types of adoption and, perhaps, eliminating the “double standard” which exists between them in Australia and elsewhere. While it is beyond the scope of the present paper to tackle this question, increasingly the kinds of children being made available for adoption through ICA – especially older children who will have intact memories of birth families, birth culture and birth language – may well force the kind of openness that has been resisted by many IC adoptive families, as outlined in this paper.

Reflections on Present and Future Adoption Policy

We conclude with some observations based on attendance at an information session run by the Intercountry Adoption Service (ICAS) of Victoria, the second most-populous state in Australia. ICAS, a division within the Victorian Department of Human Services, is the Victorian body responsible for ICA. ICAS had recently revised the presentation it makes to people interested in ICA. This information session is supported by an Information Kit for prospective parents that was also thoroughly revised at the same time.⁷² ICAS invited us to attend the information session in order to provide feedback on the presentation's revised content and format.

Apart from the ICAS website,⁷³ the information session is the earliest port of call for prospective adoptive parents in Victoria interested in ICA. When we attended, the room was full of (presumably mostly childless) couples, some of whom were moving toward or, at the end of, a long journey of infertility, including unsuccessful attempts at technologically assisted conception. For many, ICA represents what they perceive as their last chance to form a family. Thus, there is palpable disappointment when ICAS officers inform them of the realities of ICA: that there are more people waiting than children available; the lengthy and rigorous process of application; the waiting and uncertainty about outcomes; and the subsequent difficulties entailed in raising children from other cultures who, at the least, may need support to come to terms with complex identity issues and lack of information about their origins and may confront other challenges, including racism in Australian society. Despite the sensitivity the ICAS officers demonstrate when communicating these realities, the message is a harsh one and, given the reactions we observed, one for which many in audience were not fully prepared to hear.

However, given the concerns outlined in this article, we are encouraged by the directions being taken by the Victoria government for several reasons, two of which we discuss here. The first is the terms in which the information session was delivered by ICAS staff sought to break down the binary of “undamaged” babies from overseas versus “damaged” domestic children. They did this by making the point that even the youngest babies from overseas will *on some level and in varying degrees* always struggle with not knowing where they have come from and with the related gap between their emerging identity as the member of an Australian family and their unknown past elsewhere. In contrast, they suggested, domestic children in need of families *know where they come from*, and this appears to confer a clearer sense of identity,⁷⁴ despite the challenges entailed. Secondly, over the course of the two hour session, the ICAS staff made a gentle, but quietly determined effort to expand the attendees' sense of other possible ways to make family.⁷⁵ They did this

both by highlighting that there were children with “special needs” overseas who needed care as well as Australian children in need of permanent care, and by inviting staff from Connections and Anglicare, two prominent Victorian agencies handling such placements, to inform the group about local adoption, permanent care and foster care, respectively.

To gauge accurately the receptivity or otherwise of the attendees to these messages, it would be necessary to conduct follow up surveys and interviews. Nevertheless, such efforts at re-framing ICA in a broader and better integrated child-placement and family-formation context constitute what we see as a timely, socially responsible effort to present prospective parents with the range of children in need of families – in Australia and elsewhere. In so doing, the ICAS workers herald the optimistic possibility that the divergence between ICA and domestic adoption in Australia, with ICA serving increasingly as a vehicle to meet the needs of parents while Australian children in need of permanent care are frequently overlooked, may be in the process of being addressed at the level of practice, at least. Such a re-framing of adoption – which may ultimately lead to more fundamental reconsideration of its future – is overdue.

As we have argued in this article, there are repetitions and parallels between ICA as it is practiced now and domestic adoption in the pre-reform era. ICA departs from current “best practice” in domestic adoption in several key particulars, especially with regard to its capacities for openness, for contact and for information for the children adopted. All children, irrespective of where they are born are entitled to permanent family-based care which addresses their interests, needs and rights. Australia, like many other countries facing similar challenges, needs to assess its position in relation to the adoption and the care of children and ask, are all forms of adoption delivering “best adoption practice” to children, whether they are born overseas or in Australia? And, does adoption policy meet the needs of children, their birth families, as well as those of adoptive families? In searching for answers to these questions, policy makers need to be sure to distinguish between adoption-focused approaches to children in need and child-focused public policy responses, which might include adoption alongside a range of other policy measures.

Notes

1 The research for this paper was supported, in part, by an Australian Research Council Discovery Grant for the project, A History of Adoption in Australia. Research team members include Marian Quartly, Shurlee Swain and Amy Pollard. We gratefully acknowledge the Intercountry Adoption Service, Department of Human Services, Government of Victoria for inviting two of the authors to observe their information session in September 2008. We thank the anonymous reviewers of an earlier draft of this paper for their incisive criticisms. Earlier versions of parts of the argument in this paper were first developed by Denise Cuthbert and Ceridwen Spark in “‘Society moves to make its own solutions ...’: re-thinking the

relationship between domestic and intercountry adoption Australia”, in Ceridwen Spark and Denise Cuthbert, eds., *Other People's Children: Adoption in Australia*. Melbourne: Australian Scholarly Publishing, pp. 55–72.

2 Rosemary Pringle, “Adoption in Britain: Reflexive Modernity?” *Australian Feminist Studies*, 19, 44 (2004), p. 225.

3 Donald Hamilton, “Permanency planning for young children in Australia and the United Kingdom: Have the differences anything to teach us?” Unpublished conference paper delivered at the Fifth World Congress on Family Law and Children's Rights, Halifax, Nova Scotia, August 2009.

4 House of Representatives Standing Committee on Family and Human Services (HRSCFHS), Parliament of the Commonwealth of Australia, *Overseas Adoption in Australia. Report on the inquiry into the adoption of children from overseas*. (Canberra, 2005), p. 4.

5 Australian Institute of Health and Welfare (AIHW). *Adoptions Australia 2006–07*. Child welfare series no.44. Cat. no. CWS 32. (Canberra, 2008).

6 AIHW.

7 Carol Nader, “Families in the Making”, *The Age*, Insight, 11 October 2008, p. 3.

8 This useful distinction is developed by Patricia Fronek in her doctoral dissertation, *Understanding the emergence, diffusion and continuance of intercountry adoption from South Korea to Queensland*. Unpublished PhD thesis, University of Queensland, 2009.

9 HRSCFHS, *Overseas Adoption*; House of Representatives Standing Committee on Family and Human Services (HRSCFHS), Parliament of the Commonwealth of Australia, *The Winnable War on Drugs: The Impact of Illicit Drug Use on Families. Report on the inquiry on the impact of illicit drug use on families*. (Canberra, 2007)

10 On the bias in adoption legislations towards adoptive parents, see Penelope Welbourne, “Adoption and the rights of children in the UK”, *The International Journal of Children's Rights* (2002) 10: 269–89, and New Zealand Law Reform Commission, *Adoption and its alternatives*. (Wellington, 2000).

11 AIHW.

12 Audrey Marshall and Margaret McDonald, *The Many-Sided Triangle: Adoption in Australia*. (Carlton, Melbourne, 2001).

13 AIHW.

14 The state of Queensland has lagged behind other Australian states in adoption reform and, belatedly, on 18 August 2009 passed into law a reformed Adoption Act (2009) enabling access to information for those affected by adoption, see <http://www.childsafety.qld.gov.au/legislation/adoption/review.html> accessed on 13 October 2009.

- 15 Marshall and McDonald; Clive Picton, ed., *Proceedings of the First Australian Conference on Adoption*. (Sydney, 1976).
- 16 Marshall and McDonald, pp. 42–5.
- 17 See Ruth McRoy, “Openness in Adoption: Translating research findings into practice”, Keynote address, 9th Australian Adoption Conference, Sydney, 3–5 September 2008.
- 18 New South Wales Parliament (2000) *Hansard and Papers*. Adoption Bill, Second Reading accessed on 19 May 2009 at <http://www.parliament.nsw.gov.au/prod/PARLMENT/hansArt.nsf/V3Key/LC20000906030>
- 19 See David M Smolin, “Intercountry Adoption and Poverty: A Human Rights Analysis”, *Capital University Law Review* 36, (2007), p. 442.
- 20 These include: The Human Rights and Equal Opportunity Commission, *Bringing them Home: Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families* (1997); The Joint Select Committee of the Parliament of Tasmania, *Adoption and Related Services 1950–1988*. (Hobart, 1999) and Parliament of New South Wales, Standing Committee on Social Issues, *Releasing the Past: Inquiry into Adoption Practices 1950–1998. Final Report* (Sydney, 2000). The Australian Senate's Community Affairs Reference Committee's inquiry into Australians in institutional care as children produced two reports: *Forgotten Australians* (Canberra, 2004) and *Protecting Vulnerable Children: A National Challenge* (Canberra, 2005). For child migrations schemes, see Philip Bean and Joy Melville, *Lost Children of the Empire* (London and Sydney, 1989); Alan Gill, *Orphans of the Empire: the Shocking Story of Child Migration to Australia* (Milsons Point, NSW, 1998); and David Hill, *The Forgotten Children: Fairbridge Farm School and its Betrayal of Australia's Child Migrants* (Sydney, 2007). These children are also the subject of a Senate's Community Affairs Reference Committee's inquiry, *The Lost Innocents* (1999).
- 21 New Zealand Law Commission (2000); Marshall and McDonald, *The Many-Sided Triangle*.
- 22 Marshall and McDonald, *The Many-Sided Triangle*; Pringle, “Adoption in Britain”; Denise Cuthbert. “Mothering the “Other”: Feminism, Colonialism and the Experiences of Non-Aboriginal Adoptive Mothers of Aboriginal Children”, *Balayi*. 1, 1 (2000), pp. 31–49; Denise Cuthbert. “Stolen Children, Invisible Mother and Unspeakable Stories: The Experiences of Non-Aboriginal Adoptive and Foster Mothers of Aboriginal Children”, *Social Semiotics*, 11, 2 (2001), pp. 139–154; Kate Murphy, Marian Quartly and Denise Cuthbert, ““The Best Interests of the Child’: Mapping the (Re-) Emergence of Pro-adoption Politics in Australia” *Australian Journal of Politics and History*, 55, 2 (2009), pp.193–211.
- 23 Cuthbert, “Mothering the ‘Other,’” p.35.
- 24 HRSCFHS, 2005.
- 25 HRSCFHS, *Overseas Adoption*, p 93.

26 Evidence given by a representative from the Department of Children's Services in New South Wales, HRSCFHS, *Overseas Adoption*, p. 93.

27 Nader; and submissions to the 2005 inquiry from adoptive parents and pro-adoption organisations, submissions can be accessed at

<http://www.aph.gov.au/house/committee/fhs/adoption/subs.htm>

28 Institute of Social Welfare, "Statement on Vietnamese Adoption Issues", 1975. National Archives of Australia, (Digital copy of Item 3336582.)

29 Jill Smolowe, *An Empty Lap: One Couple's Journey to Parenthood*. (New York and London, 1997), pp. 141–2.

30 Smolowe, *An Empty Lap*, p. 143.

31 Commonwealth of Australia, *Official Committee Hansard. House of Representatives Standing Committee on Family and Human Services. Reference: Adoption of children from overseas. Friday, 16 September 2005, Hobart*, (Canberra, 2005), p.64.

32 Commonwealth of Australia, *Official Committee Hansard. Friday, 16 September 2005, Hobart* (Canberra, 2005), p. 61.

33 Commonwealth of Australia, *Official Committee Hansard. House of Representatives Standing Committee on Family and Human Services. Reference: Adoption of children from overseas. Thursday, 21 July 2005. Brisbane* (Canberra, 2005), p. 66.

34 Commonwealth of Australia, *Official Committee Hansard. Friday, 16 September 2005, Hobart*, p. 61; the committee was responsive to the message about the attractiveness of the closure and finality of ICA, see comments from one member of the committee on 18 October 2005: "Open adoption orders mean there is still intervention, and we have actually heard evidence from many parents who are adopting from overseas that at least with an overseas adoption they become the parents." Commonwealth of Australia, *Official Committee Hansard. House of Representatives Standing Committee on Family and Human Services. Reference: Adoption of children from overseas. Tuesday, 18 October 2005. Perth* (Canberra, 2005), p. 10.

35 Discussion with prospective IC adoptive mother, Sydney, 2008.

36 David M Smolin writes that adoptive parents are "lured into the international system by the comparative powerlessness and distance of foreign birth parents" in "Intercountry Adoption as Child Trafficking" *Valparaiso University Law Review* 39, 2 (2004), p. 316.

37 Parliament of New South Wales, *Releasing the Past*.

38 Smolin, "Intercountry Adoption as Child Trafficking", p.316.

39 Ann Fessler, *The Girls who Went Away: The Hidden History of Women who Surrendered their Babies for Adoption in the Decades Before Roe v. Wade* (New York, 2006), p. 183.

40 Christine Cole, *Releasing the Past: Mother's Stories of their Stolen Babies*. (Sydney 2008).

41 Parliament of New South Wales, *Releasing the Past*.

42 Sara Dorow, ed., *I Wish for You a Beautiful Life: Letters from the Korean Birth Mothers of Ae Ran Wan to their Children*. (Seoul, 1999).

43 HRSCFHS, *Overseas Adoption*, p. 4

44 HRSCFHS, *Overseas Adoption*, p. 6; HRSCFHS, *Winnable War*, p.84.

45 HRSCFHS, *Winnable War*, p. 84

46 Murphy *et al.*, ““Best Interests of the Child.””

47 HRSCFHS, *Overseas Adoption*, p. ix.

48 See Recommendation 5, HRSCFHS, *Winnable War*, p. 84. This report was tabled on the 13 September 2007, in the final months of the Liberal-Coalition government led by Mr John Howard. The Labor government lead first by Prime Minister Mr Kevin Rudd (replaced in June 2010 by Ms Julia Gillard) has, at the time of going to press, yet to respond to this report and its recommendations.

49 The committee received 274 written submissions. The majority of these were from parents and parent organisations advocating for ICA, for increased access to children for adoption, and for improved services for ICA families in parity with other families. A number of submissions expressed opinions critical of ICA, raised some of the graver problems faced by ICA children and families, or advocated for adoption for same-sex couples. These submissions are, generally, overlooked in the final report and its recommendations.

Submission may be accessed at:

<http://www.aph.gov.au/house/committee/fhs/adoption/subs.htm>

50 Deborra-Lee Furness <http://www.orphanangels.com.au> (2007), accessed 30 October 2008.

51 HR&EOC, *Bringing them Home*.

52 HRSCFHS, *Overseas Adoption*, p. 5.

53 See for example Submission no.257 from the Association Representing Mothers Separated from their children by Adoption (ARMS), South Australia, accessed on 28 May 2009 at <http://www.aph.gov.au/house/committee/fhs/adoption/subs/sub257.pdf>. See, also Christine Cole's evidence to the inquiry into adoption in New South Wales: “If you are basing a system on myths and lies, as adoption has been based, that system will extend overseas”, Parliament of New South Wales, Legislative Council Standing Committee on Social Issues, *Interim Report of Inquiry into Adoption Practices. Transcripts of Evidence from 27 August 1998 to 19 October 1998*, Report 17 (Sydney, 1998) pp. 105–06.

54 Parliament of New South Wales, *Releasing the Past*, pp. 678–116.

55 HRSCFHS, *Overseas Adoption*, p. 4.

56 HRSCFHS, *Overseas Adoption*, p. 5.

57 HRSCFHS, *Overseas Adoption*, pp. 5–6.

58 Peter Selman, “Trends in intercountry adoption: Analysis of data from 20 receiving countries, 1998–2004.” *Journal of Population Research*, 23(2), (2006), pp. 183–204; Ceridwen Spark, Denise Cuthbert, Kate Cregan and Kate Murphy, *Review of Selected*

Literature (1990 to the present): Special Needs and Older Children in Intercountry Adoption. (Canberra, 2008).

59 Institute of Social Welfare, *Statement on Vietnamese Adoption Issues*, Adelaide, April 1975, accessed on 15 May 2009 at <http://naa12.naa.gov.au/scripts/Imagine.asp>

60 Commonwealth of Australia, *Official Committee Hansard. House of Representatives Standing Committee on Family and Human Services. Reference: Adoption of children from overseas. Friday, 16 September 2005, Hobart*, (Canberra, 2005), p.64.

61 T. X. Tan, K. Marfo, and R. F. Dedrick, "Special needs adoption from China: Exploring child-level indicators, adoptive family characteristics, and correlates of behavioral adjustment." *Children & Youth Services Review*, 29, 10 (2007), pp. 1269–1285.

62 Tan *et al.*

63 David M. Steltzner, D. M. "Intercountry adoption: Toward a regime that recognises the 'best interests' of adoptive parents." *Case Western Reserve Journal of International Law*, 35, 1 (2007), pp. 113–152; Tan *et al.*; Socialstyrelsen (The National Board of Health and Welfare) and Swedish Intercountry Adoptions Authority (MIA). *Special parents for special children*. (Trans. Jane Harvey), 2007, electronic version accessed 30 April 2008 at <http://www.mia.eu/english/parents.pdf>.

64 Spark *et al.*

65 AIHW.

66 See submission (No. 86) from Families with Children from China–Australia for the special needs status of children with experience of institutional care prior to adoption: "Most of the children adopted from overseas to Australia have spent considerable time in institutional care." (p.30), accessed on 22 May 2009 at <http://www.aph.gov.au/house/committee/fhs/adoption/subs/sub086.pdf>.

67 J.A. Rosenthal and V.Groze, (1994). "A longitudinal study of special-needs adoptive families." *Child Welfare*, 73,6, (1994), pp. 689–706; Ruth McRoy, *Special Needs Adoptions: Practice issues*. (New York & London, 1999).

68 Steltzner.

69 Tan *et al.*

70 Spark *et al.*, *Special Needs and Older Children in Intercountry Adoption*.

71 R.L Meese, "A few new children: Post-institutionalized children of intercountry adoption". *Journal of Special Education*, 39, 3 (2005), pp. 157–167.

72 Intercountry Adoption Service (ICAS), Department of Human Services, Government of Victoria *Intercountry Adoption Information Kit*(updated September 2008), accessed on 31 October 2008 at <http://www.cyf.vic.gov.au/intercountry-adoption/information-kit>

73 Intercountry Adoption Service (ICAS), Department of Human Services, Government of Victoria *Intercountry Adoption* (updated September 2008) accessed on 31 October 2008 at <http://www.cyf.vic.gov.au/intercountry-adoption>

74 See McRoy, “Openness in Adoption”.

75 See also ICAS, *Intercountry Adoption Information Kit*.