Adoption occurs when a couple (or individual person) legally takes another couple’s child as their own.

For this to happen, the biological parents have to legally renounce (give up) their rights as the ‘legal’ parents of the child and give consent (allow) for the child to be adopted by another couple.

The non-biological couple/person would then become the legal parents of the child.
2012-13 Adoptions: **339** (129 from overseas and 210 locally)

There has been a **77% decline** in the number of adoptions over the past 25 years.

*Australian Institute of Health and Welfare (2013)*
Adoption is a **STATE MATTER** – Every State has different laws about it.

The State law covering it in NSW is:

**The Adoption Act 2000 (NSW)**

The people allowed to adopt are:

- Married couples (including ATSI customary law marriages) – they must have been together for two years (*Adoption Amendment Act 2008 (NSW)*)

  *De facto* couples together more than 2 years (*including* same sex couples – *Adoption Amendment (Same Sex Couples) Act 2010*)

- Single applicants (straight OR gay)

The adoptive parent/s must be:

- **Over 21**
- **MALES:** 18 years or more older than the kid
- **FEMALES:** 16 years or more older than the kid
40 years ago, almost **10,000 adoptions** occurred in Australia.

In **2012-13**, **only 339 children were adopted** in Australia.

Why has the number dropped?

- Effective birth control
- IVF
- The **4 year average wait** to adopt a child from overseas (due to paperwork and procedures)

Almost half the adoptions were from overseas (most the Philippines & South Korea).

‘Adoptions Plunge as red tape adds to delay of getting a child’

**SMH (2013)**
The **NSW government** decided to **increase adoption instead of** keeping kids in long term foster care when their parents aren’t able to care for them.

This was in response to having **18,000 kids in NSW in foster care** (which doesn’t give the kids a permanent home)

*Children to get families, not foster care, SMH (2012)*

If children are removed from their families by the court, and no other relative can care for them, adoption (“open” adoption, where there’s still some contact with the biological parent/s) is now the **preferred option** after the **Child Protection Legislation Amendment Act 2014** was passed.

*Radical New Laws to Raise Adoption Rate Dramatically, SMH (2014)*

It was controversial because of the **risk of a new Stolen Generation** (though Aboriginal children are exempt from the law) and because it places obligations on parents to get drug treatments or seek help (e.g. if there is domestic violence and the mother refuses to seek help, her child can be taken away) but there might not be the resources available to provide that help.

*History must not repeat in adoption laws, SMH (2013)*
Same-sex couples being allowed to adopt is only a recent law reform (Adoption Amendment (Same Sex Couples) Act 2010). The Members of Parliament were given a ‘conscience vote’ (meaning that they were not instructed by their Party leaders to vote one way or the other) – ‘MPs get conscience vote on gay adoption’, ABC News, 2010.

The law was passed only after faith-based adoption agencies (e.g. CatholicCare Adoption Services) were given the right to refuse same-sex couples the right to adopt.

Leader of the Christian Democrats, Fred Nile, tried to repeal the law to stop gay couples from adopting (Adoption Amendment (Same Sex Couples Repeal) BILL 2011). It failed, THANK GOD.
Intercountry adoptions are governed by the Hague Convention on Intercountry Adoption (a multilateral treaty), as well as bilateral treaties with individual countries (e.g. Taiwan, Ethiopia and South Korea, as seen in ‘Federal Government to introduce changes to regulations for overseas adoptions’ (SMH 2014)).

In NSW: Parents must apply through the Dept. of Community Services for an intercountry adoption.

‘Private’ adoption (going overseas and “getting” a baby) is only allowed if the adoptive parents have been living in the other country for at least 12 months and if the authorities in the other country approve of the child being brought to live in Australia (i.e. you can’t go on a holiday and come back with an adopted child).

There is a pretty serious ethical issue when it comes to intercountry adoption – what if they’re stolen from their parents? It happened to a few couples from Canberra back in the 90s (‘Govt. reveals ACT couples caught up in Adoption Scams’ – ABC News (2009)).
Forced Adoption

About **150,000 Australian babies** born between the 1950s and 1970s were **forcibly taken with the support of the government** from their (mostly young and single) mothers.

The state AND federal governments have **now officially apologised**.

*O'Farrell says sorry for forced adoptions, SMH (2012)*

*Gillard delivers apology to victims of forced adoption, ABC News (2013)*
Questions

1. What has to happen for an adoption to go ahead? (slide 1)
2. What is the legislation that governs adoption? (slide 3)
3. What amendments have taken place regarding adoption? (slide 3)
4. How have these amendments reflected our social values? Be specific. Our social values regarding marriage, same sex relationships, de facto relationships. (slide 3)
5. What can you notice about the ages of adoptive parents? (slide 3) Is this an effective measure of justice? In other words, do you think this is a good thing?
6. Why have adoptions decreased in the last 20-30 years? Reference an article. (slide 4)
7. How has the law tried to combat the decrease in adoption? (slide 5) Do you think this is a good thing?
8. What part of our history makes adoption a sensitive issue? (slide 5 and slide 8 – 2 issues) How has the law dealt with this?
9. Another theme and challenge: How does law reform show a change in our social values with respect to same sex couples and adoption? (slide 6)
10. What is so significant about a conscience vote in parliament regarding same sex couples? (slide 6)