

INFORMATION FOR ADOPTIVE PARENTS WHOSE ADULT SONS OR DAUGHTERS ARE THINKING OF SEARCHING FOR BIRTH PARENTS

Many adoptive parents have questions about the rights of adopted people over the age of 18 and birth parents to access identifying information about each other. Identifying information is available in NSW under the Adoption Act (2000) and in QLD under the *QLD Adoption Act 2009*.

Adopted people may obtain information from their adoption file by applying to the relevant state department. They may also obtain a copy of their Original Birth Certificate (optional) from their state Registry of Births, Deaths and Marriages which reveals the name, age, address and birthplace of their birth mother at the time of their birth and in some instances (usually only if the birth parents were married to each other) also the name of the birth father. The Registry of Births, Deaths and Marriages, if requested, will also search for further information, such as the birth mother's marriage record. Similarly birth mothers (and birth fathers whose name appears on the original birth certificate) may obtain a copy of their adopted son or daughter's amended birth certificate with the adoptive name and the names of the adoptive parents. They can also obtain relevant marriage records which can help them to search for and consider making contact with their adopted son or daughter

Your feelings

Some adoptive parents may feel concerned about the possibility of their son or daughter seeking contact, while others may welcome it.

Some adoptive parents may feel opposed to the legislation and the possibilities it opens up, while others may welcome it. In our experience, either way the idea and the reality of an adopted person searching for a birth parent is likely to cause some emotional turbulence for all concerned.

It is quite natural for adoptive parents to experience some strong, conflicting emotions if their son or daughter decides to search for a birth parent, even if theoretically they can understand the need to do this. The sort of feelings that adoptive parents have described to us include fear, anger, sorrow, jealousy, betrayal, guilt and a sense of failure. These emotions quite frequently co-exist with feelings of sympathy, interest, relief and a sense of achievement.

Some of the more uncomfortable feelings are an inescapable part of being a parent to a son or daughter who has another, unknown, family; others are based on misunderstandings. Some of the uncomfortable feelings can probably be eased by realising that other adoptive parents have survived, and the family may possibly be

strengthened by the process. It may also help to accept that any major changes in life bring advantages and disadvantages and involve a period of readjustment. Misconceptions can be corrected by reading information about adopted adults who have sought and achieved a reunion and/or by joining an adoption support group.

Do those who search have a bad relationship with their adoptive parents?

Contrary to long held beliefs, the vast majority of adopted people who search have a positive relationship with their adoptive parents. Irrespective of this, they may have a deep desire to try to make sense of their origins and identity by finding out as much as possible about their backgrounds and sometimes meeting and getting to know their birth parents.

Most adopted people who search are extremely sensitive to the feelings and needs of their adoptive parents as well as their birth parents. Many have denied their own wishes for some time, giving priority to the expressed or imagined views of their adoptive parents.

Although the majority of those who search have a good relationship with their adoptive parents, they may still find it very difficult to talk to them about their interest in their birth parents and their decision to try to find them. Many are torn between wanting to confide in their adoptive parents and wanting to protect them. Perhaps the most that adoptive parents can do is try to create an atmosphere in which adoption and the possibility of searching remain an open topic of discussion, and also to try to respect the fact that their grown-up sons and daughters have a right to privacy.

Will contact with the birth parents break up my family?

Research and experience have shown that access to adoption information and contact with birth parents does not adversely affect firmly established relationships. In fact, it seems the opposite is true - adopted people often report a strengthening of the relationship with their adoptive parents. A period of adjustment may be necessary as with all major life events but with goodwill and patience on all sides, the experience may well bring adoptive parents and their children closer together. Of course the outcome of a search and contact with a birth parent is very hard to predict. The general pattern suggests that very few adopted people or birth parents regret it, even if the end result turns out to be less satisfactory than might have been desired. Most adopted people say that contact with a birth parent, however minimal, has helped them to discover their own history and given them a better understanding of themselves.

Most birth mothers appear to welcome news and some form of contact with an adopted son or daughter, though for some it is a frightening thing to have their 'secret unveiled.' Many have lived with the shame and stigma associated in the past with having a child while single. Many are still affected by that pain, guilt and sadness many years later. Most are very anxious not to cause distress to adoptive parents who have 'done all the hard work.'

What are the options for contact?

The legislation governing adoptions differs slightly in NSW, ACT and QLD, where The Benevolent Society provides post adoption services. Please read below for more information.

For people affected by adoption in NSW/ACT:

Parties to an adoption that took place in NSW/ACT can lodge a contact veto if they do not wish to be contacted by their birth relatives.

What is a contact veto?

For adoption orders made before October 1990, both adopted people and birth parents who do not wish to be contacted are able to place a Contact Veto with the Community Services. Where a contact veto exists and application is made for the *Supply Authority*, the adopted person or the birth parent is required to sign an undertaking not to make contact with the person who has registered the veto. If he or she is not willing to make such an undertaking, the *Supply Authority* will not be issued. The person who has registered a veto is informed if a *Supply Authority* is issued to the person against whom a veto has been lodged.

The penalty for breaking a veto is a fine of up to \$2750 and/or 12 months imprisonment. Experience, however, suggests that it is less the penalty than respect for the expressed wishes of the other person that ensures the honouring of the undertaking. People are unwilling to put themselves in a situation where they will be rejected, at the same time causing possible distress or embarrassment to the other person.

What is an Advance Notice?

Adoptive parents, birth parents and adopted people can all request advance notice of the *Supply Authority* being released. There is then a delay of two months by lodging an **Advance Notice** before the information is released enabling the person to prepare for contact. This time could be useful to enable adoptive parents to tell their son or daughter of their adoption, to deal with another family crisis or to get past exams, for instance.

For people affected by adoption in QLD

Parties to an adoption that took place in QLD can express their wishes regarding contact with their birth relatives in a contact statement.

What is a contact statement?

A contact statement sets out a person's wishes about being contacted by another party, or parties, to the same adoption that occurred in Queensland. For example, it may state that a person wishes for contact to happen only by telephone; or for face to face contact to happen only at a neutral place in the presence of a mediator; or the person's wish not to be contacted in any manner. A contact statement remains in force until revoked by the person who lodged it, or until that person dies. However, a person can update, revoke or replace their contact statement at any time. A person can also use a contact statement to provide information about the person's reasons for not wanting to be contacted.

Contact statements operate differently depending on whether the relevant adoption order was made before or after June 1991. Please contact ASQ for more information.

Under the *Adoption Act 2009* it is considered an offence for a person to contact another person knowing that they have lodged a contact statement saying they do not want to be contacted. The maximum penalty is \$10,000 or imprisonment for 2 years. Specifically, it is an offence to:

- Contact, or attempt to arrange contact, with the person directly
- Procure someone else to contact or arrange contact with the person
- Publish information that identifies the person as a party to an adoption.

Why can't I prevent contact on my son/daughter's behalf?

Legislation in NSW/ACT and QLD recognises that adopted adults are able to make their own decision about search and contact. As adults, adopted people can be expected, on the whole, to deal with this aspect of their lives as responsibly and effectively as they do with other sensitive issues.. Adopted people have described previous adoption legislation as 'paternalistic' and as the only situation in our society in which adult people 'for their own good' were denied the right to know about themselves and their origins.

Where can I go for help?

The Benevolent Society can provide advice and support throughout the process of searching. This includes individual counselling, small group meetings and Information Meetings for all parties affected by adoption - adopted people, adoptive parents and birth parents. There are many articles and books in our library which might also help. Our 2001 research report 'At Least Now I Know' discusses the outcomes of search and reunion. Contact us for a form to join our library and for a reading list.

The Benevolent Society acknowledges the importance of your feelings and concerns about the changed face of adoption; we welcome hearing your views on the current legislation and your particular concerns about how you and your family may be affected by it.

Post Adoption Resource Centre
Locked Bag 6002
Hurstville NSW 1481
T 02 9504 6788
F 02 9570 2699
E parc@bensoc.org.au
www.bensoc.org.au

Post Adoption Support Queensland
Brisbane, QLD
T 1 300 914 819
E pasq@bensoc.org.au
www.bensoc.org.au