

Information for adoptive parents: Is your adult son or daughter adopted in QLD thinking of searching for birth parents?

On 1 February 2010, the QLD *Adoption Act 2009* took effect which gives adopted people over the age of 18 and birth parents the right to access identifying and non-identifying information about each other. This includes access to original or amended birth certificates and marriage records to assist in the searching process. This information makes it possible for people affected by adoption to make contact with each other, assuming there is no objection to contact in place by either party.

Your feelings

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

Why do adopted people search for their birth parents?

The vast majority of adopted people who search for their birth parents 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.

How will contact with the birth parents effect my family?

Research and experience have shown that access to adoption information and contact with birth parents often strengthens the relationship between an adopted person and 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?

Parties to an adoption that took place in QLD can lodge a contact statement with ASQ which expresses their wishes regarding contact eg through an intermediary service or letter initially, or for no contact at all.

Once an adopted person is 18 years of age they can apply to ASQ to request information about their birth and adoption. ASQ will conduct a search of the adoption records it holds and review your eligibility to receive information it may have on file. ASQ will also search its records to see if any contact statements (see below) have been filed by people involved in their adoption. A contact statement can be lodged with ASQ by a person affected by adoption and can express their wishes regarding contact with other parties to the adoption.

ASQ will then prepare a letter containing information about the adopted person's birth and adoption which will include identifying information (names) and non-identifying information (descriptive information such as appearance, occupation) from the information available in the adoption records. They will also be provided with a copy of prescribed documents which may include documents such as the consent form signed for the adoption to take place or the order dispensing with consent and the adoption order.

ASQ carefully reviews all records to ensure that information is accurate before sending it out in a letter. ASQ will discuss sensitive issues with the applicant and provides support from an adoption officer or by referring people for further support from Post Adoption Support Queensland (PASQ).

ASQ can be contacted at:

Telephone: 07 3224 7415
1800 647 983
Website: www.childsafety.qld.gov.au/adoption
Email: asq@communities.qld.gov.au
Mail: Adoption Services Queensland
Department of Communities
GPO Box 806
Brisbane, QLD 4001

Non-identifying information

Non-identifying information can be requested when a person applies for identifying information. Non-identifying information may include other information which was recorded at the time of the adopted person's birth and adoption such as family social and medical history. Sources of information may be the hospital where the adopted person was born or may have been directly provided by birth parents at the time their consent to the adoption was obtained.

Contact statements

A contact statement sets out a person's wishes regarding having contact with 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 in-person contact to happen only at a neutral place in the presence of a mediator; or the person's wish not to be contacted for any reason. There are important things to know about contact statements:

- Information and contact objections that were in place under the *Adoption of Children Act 1964*, prior to 1 February 2010 automatically became a contact statement expressing the person's request not to be contacted.
- These objections which are now contact statements expressing a wish for no contact do not have to be renewed.
- 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.

It is considered an offence to violate another person's wish not to be contacted

Under the *Adoption Act 2009*, if the adoption occurred prior to 1 June 1991, 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.

Releasing identifying information

ASQ will be able to release identifying information about a person who had an objection in place under the *Adoption of Children Act 1964* only after:

- An adoption officer has spoken to the person, in person or by telephone, to discuss the contact statement and to discuss the conditions of the contact statement.
- The person seeking information has signed a document that acknowledges he or she has been told the other party does not want to be contacted and it would be an offence to do so.

Court order restricting access

The Children's Court can make an order preventing the release of someone's identifying information to another person, if doing so would pose an unacceptable risk of harm. For example, if a person who is seeking identifying information is known to be violent, and previous comments or actions suggest he or she is likely to harm the other person. In such cases, an application can be made to the court for an order to prevent the release of the identifying information by ASQ. Please contact ASQ for more information. It is recommended that people seek independent legal advice for all court matters.

Can I prevent contact on my son/daughter's behalf?

Legislation in Queensland gives adopted adults the right to decide whether they want to search and attempt to make contact with their birth relatives. Adoption is regarded as just one aspect of people's lives and that as adults, adopted people can be expected, on the whole, to deal with this aspect as responsibly and effectively as they do with other sensitive areas of their relationships. 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 to people affected by adoption including individual counselling, small group meetings and information meetings. 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. Phone us for a form to join our library and for a reading list.

Please phone us if you wish to talk further about any issues raised in this information sheet.

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