

# ARMS - Keeping in Touch

October 2021

Issue No. 8

Welcome to this issue of the ARMS Bulletin.

It seems appropriate that, as we near the end of the longest lockdown in the world, we send out a final Bulletin. The Committee wishes to have as many mothers as possible responding to the attached invitation to a Fireside Chat on 24th October.

Your invitation to the ARMS AGM is also included, as it must go out to members at least thirty days before the meeting. This is usually included in the ARMS Spring newsletter, which will go out in early November - too late to meet strict Consumer Affairs conditions.

You'll also find some very dense reading attached – all of the 56 recommendations from the Inquiry into responses to Historical Forced Adoption in Victoria. Please keep this for reference, as in the Spring newsletter Jo will be referring to this in an article about how the recommendations which ARMS provided were included (even if modified) in the Report.

Stay well and happy and I hope to see you all at the Zoom Fireside Chat on 24th October and then in person at the AGM on 4th December.

Dorothy



## Contact details

As well as the ARMS telephone number **0400 701 621** the following committee members are happy to be contacted (between 9am and 9pm) on their personal phone numbers:

Faye Burnham 0411 865 836

Jo Fraser 0409 442 701

Dorothy Kowalski 0411 098 773 or 03 9889 3583



# Messages from Mothers



Gail sent this with a message: **HAPPY FRIENDSHIP WEEK TO YOU!**

I've learned.... That being kind is more important than being right.

I've learned.... That when you harbor bitterness, happiness will dock elsewhere.

I've learned... That sometimes all a person needs is a hand to hold and a heart to understand.

I've learned.... That everyone you meet deserves to be greeted with a smile.

I've learned.... That life is tough, but I'm tougher.

I've learned..... That everyone wants to live on top of the mountain, but all the happiness and growth occurs while you're climbing it.



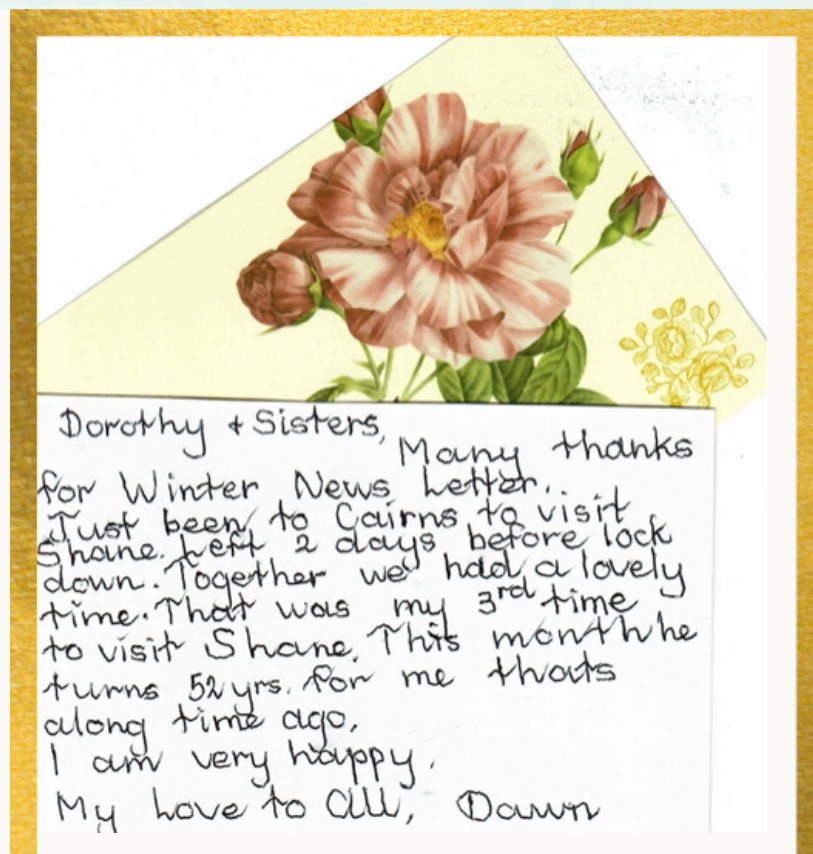
THANK  
YOU

Thank you, Gail for your beautiful birthday cards and kind wishes. Thank you, Jo for helping me answer the fifty-six questions on the VANISH form. I love all the girls from ARMS - you are all special in different ways. I wish we had met forty years ago but I am very lucky to have your wonderful support at this time of my life.

Love



Maria





## 9th anniversary of the Victorian Parliamentary Apology for Past Adoption Practices

### Fireside Chat on Zoom

Sunday 24th October 2pm to 4pm



You are warmly invited to join Jo Fraser (ARMS Vic) and Charlotte Smith (VANISH) and guests on Zoom for an informal conversation.

You will need to register – see the RSVP details below.

Of course we would love to meet as usual at St Andrew's Reserve but the entire site is fenced off and in the process of refurbishment and landscaping. Covid prevented the completion of these works which were promised for our Anniversary meeting.



There will be a special guest performance by Australian singer-songwriter Mia Dyson who sang her haunting song *Jesse* at the National Apology in 2013

RSVP to [info@vanish.org.au](mailto:info@vanish.org.au) or [arms@armsvic.org.au](mailto:arms@armsvic.org.au)



## ARMS (Vic)

**Warmly invites you to the 2021 Annual General Meeting**

Saturday, 4th December 2021 from 1.30 pm to 4.30 pm



We fervently hope that we will be able to meet at  
Level 5, 50 Market Street, Melbourne  
Centre for Excellence in Child and Family Welfare  
Near corner Flinders Lane and Market Street  
Melway Reference 1A G8  
Stop No. 3 on both Flinders Street and Collins Street trams.

However, if Covid restrictions do not allow this,  
we hope you will join us on Zoom.  
We will of course notify you closer to the date.



Guest speaker to be confirmed.

Please RSVP by 13th November 2021  
to the ARMS mobile phone 0400 701 621  
or by email to [arms@armsvic.org.au](mailto:arms@armsvic.org.au)



## RECOMMENDATIONS

## Social and historical context

RECOMMENDATION 1: That the Victorian Government encourage organisations that were operating during the historical forced adoption period in Victoria to reflect on their involvement and policies and practices at the time and issue apologies for harm caused. The apologies should be delivered in accordance with the five criteria of effective apologies as identified in the Inquiry into Commonwealth contribution to former forced adoption policies and practices.

RECOMMENDATION 2: Statements of responsibility or individualised apologies from institutions and organisations operating during the historical forced adoption period in Victoria should be included in a historical forced adoption redress scheme in Victoria.

## Experiences of mothers

RECOMMENDATION 3: That the Victorian Government require all public hospitals directly involved in historical forced adoptions to develop a specific application form for mothers and people who are adopted to request their hospital records. These forms must be published clearly on hospital websites, alongside apologies for their role in historical forced adoptions. Private hospitals should be strongly encouraged to do the same.

RECOMMENDATION 4: That the Victorian Government require all public hospitals directly involved in historical forced adoptions to waive all fees for mothers requesting to access their hospital records. This includes waiving the application fee under the Freedom of Information Act 1982 (Vic) on the grounds of causing 'hardship'. Private hospitals should be strongly encouraged to do the same.

RECOMMENDATION 5: That the Victorian Government strongly encourage organisations involved in historical forced adoptions to establish projects to identify all records still in their possession and make information about those institutions and records available to the Government Adoption Information Service.

RECOMMENDATION 6: That the Victorian Government require all public hospitals directly involved in historical forced adoptions to provide an explanation to information applicants as to why a hospital record cannot be located, including details of when and how records were destroyed if relevant.

## Ongoing effects on mothers

RECOMMENDATION 7: That the Victorian Government update the wording of the Taken Not Given memorial plaque to acknowledge that the memorial does not reflect the diverse views of those affected by the policies and practices of historical forced adoption in Victoria.

RECOMMENDATION 8: That the Victorian Government immediately consult with stakeholders regarding a new location for the Taken Not Given memorial.

RECOMMENDATION 9: That the Victorian Government encourage institutions involved in historical forced adoptions consult with mothers and other affected people to create and display a commemorative memorial or plaque.

RECOMMENDATION 10: That the Victorian Government make Without Consent a permanent exhibition in Victoria and consult with stakeholders to determine an appropriate location.

RECOMMENDATION 11: That the Victorian Government advocate to the Australian Government to extend the National Archives of Australia's funding to document the testimony of people affected by historical forced adoptions until June 2022.

RECOMMENDATION 12: That the Victorian Government establish a website that includes all relevant information about historical forced adoption in Victoria, including the experiences of mothers and other people affected, the apologies made by government and non-government organisations, and information on how to access records, support services or to find out more information.

RECOMMENDATION 13: That the Victorian Government designate one day each year to commemorate historical forced adoptions in Victoria, in consultation with those affected by historical forced adoptions. The Committee considers that 25 October, the anniversary of the Victorian Parliamentary Apology for Past Adoption Practices would be suitable.

## People who are adopted

RECOMMENDATION 14: That the Victorian Government advocate to the Australian Government to fund the Australian Institute for Family Studies to conduct a follow up study to Past adoption experiences: National research study on the service response to past adoption practices. The Committee proposes that the study should:

- have a public awareness campaign to reach as many participants as possible
- seek perspectives from people affected by historical forced adoptions, including adopted people, mothers, fathers, children of adopted people, extended family and adoptive parents
- be an ongoing research project for the Australian Institute for Family Studies
- explore issues relating to separation trauma and abandonment, loss and disenfranchised grief, identity, relationship dysfunction and intergenerational effects.



RECOMMENDATION 15: That the Victorian Government undertake an inquiry into the experiences and the effects of adoption on adopted people for the purposes of:

- understanding the lived experiences of adopted people
- examining the effects of adoption on adopted people
- informing adoption legislation, policy and practices
- exploring options to specifically recognise the separation, loss and grief of adopted people
- raising awareness of the challenges facing adopted people.

RECOMMENDATION 16: That the Victorian Government implement Recommendation 70 of the Victorian Law Reform Commission in its Review of the Adoption Act 1984 to introduce a no-fee, no-fault procedure for applications to discharge an adoption order.

RECOMMENDATION 17: That the Victorian Government publish a step-by-step guide for discharging an adoption on the websites of the Department of Justice and Community Safety, the Supreme Court of Victoria and the County Court of Victoria.

### Redress

RECOMMENDATION 18: That the Victorian Government establish a redress scheme for mothers whose babies were forcibly removed from them without delay. The redress scheme should comprise the following: a monetary payment, counselling and psychological support and a direct personal response from relevant institutions and organisations. The redress scheme should be guided by the following principles:

- The redress scheme should operate on the principle of do no further harm.
- The evidentiary threshold should be 'reasonable likelihood' that the mother and baby were forcibly separated, given the passage of time, the loss of records and to prevent retraumatising applicants.
- The eligibility criteria should be broad and include mothers who gave birth in Victoria and mothers who gave birth interstate but now reside in Victoria, to account for the fact that many mothers were sent interstate for their pregnancy and birth or moved interstate due to the trauma.
- The process should be straightforward, and applicants should be supported with legal and counselling support.
- Applicants may choose to accept one, two or all of the components of the redress scheme.
- There should be a fixed payment to acknowledge the forced removal of mothers' babies, rather than an assessment matrix.
- Counselling should be lifelong and available on an episodic basis.
- Counselling should also be offered to other family members in recognition of the intergenerational effect of historical forced adoption.
- Mothers should not be precluded from accessing the redress scheme if they have made a civil claim.

RECOMMENDATION 19: That the Victorian Government work with responsible institutions and organisations to guarantee their involvement in the redress scheme, including reimbursement for redress payments and/or lifelong therapeutic support for redress recipients. Sanctions should be considered for institutions and organisations that do not commit to the scheme within a set timeframe of its establishment by the Victorian Government.

RECOMMENDATION 20: That the Victorian Government use its position on the National Federation Reform Council (formerly the Council of Australian Governments) to advocate for historical forced adoption redress schemes in other states and territories.

RECOMMENDATION 21: That the Victorian Government establish and fund a legal advice and referral service to ensure that applicants to the redress scheme receive free, independent legal advice and make informed decisions about their options in relation to accessing redress and/or civil litigation.

RECOMMENDATION 22: That the Victorian Government consider establishing a redress scheme for people who were forcibly adopted, especially those who were placed in institutions or adopted into unsuitable families.

### Statute of limitations

RECOMMENDATION 23: That the Victorian Government immediately seek to amend the Limitation of Actions Act 1958 (Vic) to exclude those affected by forced adoption from the operation of the limitations period under that Act.

RECOMMENDATION 24: That the Victorian Government investigate removing the requirement to prove a significant injury has been suffered as a result of the separation of mother and baby in relation to personal injury claims made under the Wrongs Act 1958 (Vic).

### Birth certificates

RECOMMENDATION 25: That the Victorian Government convey that original birth certificates are not valid legal documents in a considerate manner to minimise distress to people who are adopted.

RECOMMENDATION 26: That the Victorian Government implement integrated birth certificates without delay, issued to people who are adopted upon request and that they be legal proof of identity of equal status to other birth certificates.

### Accessing information and family reunification

RECOMMENDATION 27: That the Victorian Government undertake a public education campaign to promote the rights of parents to access adoption records and information about their children.

RECOMMENDATION 28: That the Victorian Government implement Recommendation 86 of the Victorian Law Reform Commission's Review of the Adoption Act 1984:

The current requirement for an applicant for access to information to be interviewed by an approved counsellor in section 87 of the Adoption Act should be replaced with an obligation on the Secretary [of the Department of Justice and Community Safety] to:

- a. offer applicants counselling before providing them with access to information
- b. advise an applicant if the information could reasonably be expected to be distressing to the applicant.

RECOMMENDATION 29: That the Victorian Government waive any court costs or fees for a person applying to obtain information that was previously redacted or withheld under the Adoption Act 1984 (Vic).

RECOMMENDATION 30: That the Victorian Government require the Adoption Information Service to provide a full report on lost or destroyed records and/or adoption information, including the search process and any evidence of destruction, for example, the report of fire or flood.

RECOMMENDATION 31: That the Victoria Government cease the operation of adoption information services within approved agencies and centralise Victoria's Adoption Information Service.

RECOMMENDATION 32: That the Victorian Government fund the Victorian Adoption Network for Information and Self Help on an ongoing and flexible basis to ensure the provision of a comprehensive post-adoption support service in Victoria.

RECOMMENDATION 33: That the Victorian Government clarify and clearly publicise the rights of people to access current information from the Births, Deaths and Marriages Register that may contain identifying information about other people.

RECOMMENDATION 34: That the Victorian Government waive Births, Deaths and Marriages' search and certificate costs for people affected by forced adoption.

RECOMMENDATION 35: That the Victorian Government endorse the use of DNA testing and develop practices guidelines to support its use as a search tool.

RECOMMENDATION 36: That the Victorian Government explore opportunities to notify a natural parent if their child dies and an adult adopted person if their parent dies, taking into account any privacy concerns for all relevant parties.

RECOMMENDATION 37: That the Victorian Government offer specialist adoption- informed counsellors and support workers to people reuniting with family, including as they build their relationship in the post-reunification period.

#### Mental health and emotional support services

RECOMMENDATION 38: That the Victorian Government provide ongoing funding to the Victorian Adoption Network for Information and Self-Help (VANISH) to deliver a low- cost, or preferably free, state-based specialised mental health support service for people affected by historical forced adoptions. The Victorian Government consider the following factors when funding the service:

- people should be able to access support on an ongoing and flexible basis, including episodically in recognition that the negative effects of historical forced adoption are lifelong and can be triggered at different times
- it should offer alternative mental health services outside of traditional therapy, for example art therapy
- it should build upon VANISH's existing brokerage system and register of trauma- informed and specialised counsellors and other health professionals.

RECOMMENDATION 39: That the Victorian Government ensure its funding to Victorian Adoption Network for Information and Self Help (VANISH) to deliver mental health and emotional support services as proposed in Recommendation 38 include a specific allocation of funding for the regular provision of VANISH training to health professionals.

RECOMMENDATION 40: That the Victorian Government facilitate the delivery of the Australian Psychological Society training among health professionals throughout Victoria.

RECOMMENDATION 41: That the Victorian Government require staff at Births, Deaths and Marriages to participate in the Victorian Adoption Network for Information and Self Help professional training on past and forced adoption practices.

RECOMMENDATION 42: That the Victorian Government designate a specialist staff member at Births, Deaths and Marriages with responsibility for overseeing adoption- related information requests.

RECOMMENDATION 43: That the Victorian Government consider how to raise awareness about the effects of historical forced adoption in the community services sector, including through the provision of Victorian Adoption Network for Information and Self-Help training to staff employed in state funded services.

RECOMMENDATION 44: That the Victorian Government, in consultation with key stakeholders, review the operation of the current peer support group network for historical forced adoption, with the aim of enhancing the network across Victoria.

RECOMMENDATION 45: That the Victorian Government develop guidelines and funding criteria for the establishment of independent forced adoption peer support groups.

## Going forward: the future of adoption

RECOMMENDATION 46: That the Victorian Government require Anglicare Victoria, CatholicCare, Uniting Vic.Tas and Children and Family Services to publicly report on the number of adoption referrals made or counselling provided each year.

RECOMMENDATION 47: That the Victorian Government publicly report on the Department of Justice and Community Safety's website the numbers of adoption referrals, applications and children placed for adoption each financial year, as well as other key statistics such as the type of adoption, the contact and information exchange conditions in adoption orders, and the age and cultural background of children and parents.

RECOMMENDATION 48: That the Victorian Government monitor the cultural and linguistic diversity of parents considering placing their child for adoption and consider whether more specialised, culturally appropriate support is required.

RECOMMENDATION 49: That the Victorian Government seek to amend the Aboriginal and Torres Strait Islander Child Placement Principles in the Adoption Act 1984 (Vic) to be consistent with the Children, Youth and Families (Permanent Care and Other Matters) Act 2014 (Vic), as recommended by the Victorian Law Reform Commission.

RECOMMENDATION 50: That the Victorian Government provide adequate resourcing to ensure the Aboriginal and Torres Strait Islander Child Placement Principles under the Adoption Act 1984 (Vic) and Children, Youth and Families (Permanent Care and Other Matters) Act 2014 (Vic) are effectively implemented.

RECOMMENDATION 51: That the Victorian Government conducts further research into the level of contact and information exchange between children who are adopted and parents in the context of open adoption in Victoria.

RECOMMENDATION 52: That the Victorian Government mandate the use of adoption plans to facilitate identity cohesiveness and continuity for people who are adopted through the right to know natural parents and ongoing contact with their natural family and community.

RECOMMENDATION 53: That the Victorian Government seek to amend the Adoption Act 1984 (Vic) to retain original birth certificates for people who are adopted in the future.

RECOMMENDATION 54: That the Victorian Government seek to implement the legislative amendments recommended by the Victorian Law Reform Commission in regard to consent provisions in the Adoption Act 1984 (Vic). This includes increasing efforts to identify the father of a child, extending the period to revoke consent, ensuring that a parent under 18 has the capacity to provide informed consent and restricting grounds for dispensing consent.

RECOMMENDATION 55: That the Victorian Government ensure community organisations providing family and parenting support are adequately resourced to ensure permanency for children.

RECOMMENDATION 56: That the Victorian Government remove adoption from the permanency hierarchy in the Children, Youth and Families (Permanent Care and Other Matters) Act 2014 (Vic) and restrict the use of adoption on child protection grounds as far as practicable.