A long gestation

The adoption process in Victoria

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THE UNIVERSITY OF
MELBOURNE

POSTERA CRESCAM LAUDE

A long gestation: The adoption process in Victoria
Research report
2011

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Executive Summary

People apply to adopt a child for many different reasons – for some people, adoption is the end of a long process of trying to make a family. For others, adoption is a first choice. Although there is ongoing debate about access to adoption, there has been little empirical research on the views of people with firsthand experiences of the adoption assessment process.

We spoke with people whose application had been successful, and with those who had been unsuccessful. We were interested to hear about the processes that they underwent when they applied to adopt a child, and how they felt about these processes. Participants were also invited to share their ideas about how things might be improved or approached differently. It is our hope that their experiences and insights will inform policy.

In our analysis of the data, we make a distinction between process/practices (i.e. how things were done) and policies (i.e. why things were done). All participants acknowledged that the process of applying to adopt is long and demanding. Some found the process informative and enjoyable, some found the process frustrating and inefficient. There was also a range of views about adoption policies. Although most participants agreed with the policy of assessing eligibility, many questioned the level and type of scrutiny.

A recurring concern expressed by many participants was the length of time required to complete an application to adopt. Participants referred to long delays between each stage and suggested that these delays were due in part to a shortage of government resources. They were also critical of the 'one size fits all' approach to assessment. Participants said that the assessment process lacked transparency, clarity, objectivity and consistency. There was also concern about the lack of evidence to support processes and policies.

Participants were critical of some eligibility criteria on the basis that they do no necessarily predict evidence of harm or poor parenting. Some participants reasoned that biological parents are not restricted from parenting on the basis of their financial or marital status, sexual preference, physical and mental health. They argued that it was therefore discriminatory to use these criteria to exclude applicants.

For many, the overall experience of the adoption process was largely determined by their relationship with the social worker assigned to them. Some participants described the home visits as positive because they felt comfortable with the social worker and they developed a good rapport. On the other hand, some felt uncomfortable with the visits and described feeling that their social worker was 'looking for problems'. One participant described the assessment process as like a "like a criminal investigation".

Participants commented on general aspects of the adoption process that could be improved. They described ways to make the process less bureaucratic, faster, less repetitive and intrusive and more objective and evidence based. They also made suggestions about improving communication and dissemination of information.

There was disagreement about how adoption should be regulated and which government department should administer adoption services. Some felt that the Department of Human Services should not both provide services to support people through the adoption process and also be responsible for removing children from adoptive parents. Some participants said that the Australian government should develop relationships with more countries that are signatories to the Hague Convention. They also suggested that Australia increase the number of orphanages within the countries from which we currently adopt.

Our findings indicate a lack of transparency about how decisions about eligibility are made, and a perception that there is no recourse to question or appeal departmental decisions. Many participants believed that any attempt to question the process or give feedback would prejudice their application and jeopardise their chances. Some participants spoke favourably about the opportunity to give their opinions about overseas adoption during the Bishop enquiry. However many felt disheartened that some recommendations from Bronwyn Bishop's report have not been addressed.

One of the key themes emerging from this research is that current adoption processes are inflexible. Our findings suggest a need for policies and practices to be transparent, consistent, and flexible. We also suggest that the eligibility criteria and assessment process needs to be supported by evidence. Rigorous research is needed to support adoption policies and practice. We suggest that this research should include all key stakeholders, including people who apply to adopt a child.

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1 Introduction

The decision to raise a child is often profound and personal. Individuals who are able to reproduce without assistance are free to do so privately and largely without state interference. However, people who seek to become parents through assisted reproductive technology, (ART) or by adopting a child are subject to significant scrutiny.

In Australia, as in many other jurisdictions around the world, access to adoption and ARTs is regulated and prospective parents must fulfill eligibility criteria. However, there is considerable disparity between eligibility criteria for ARTs and adoption, the latter involving significantly more intrusive and onerous assessment processes (Widdows and MacCallum 2002). In Victoria, the Assisted Reproductive Treatment Act (2008) allows single women and same sex couples access to ARTs, but they remain ineligible to apply to adopt a child (Adoption Act 1984). In 2007, the Victorian Law Reform Commission recommended that both single people and people in same sex relationships should be eligible to apply to adopt children, stating that "it is in the best interests of children that the widest possible field of potential adoptive parents be available" (Victorian Law Reform Commission 2007, p7). However, these recommendations have not been enacted.

People who seek to become parents through adoption are required to do undergo assessment procedures that vary across the states and between adoption agencies. Two government reports highlight legal inconsistencies and describe some aspects of the adoption assessment process as subjective, discriminatory and lacking transparency (Victorian Law Reform Commission 2007; House of Representatives Standing Committee on Family and Human Services 2005). Although there has been substantial debate about access to adoption, particularly on the topic of past adoption practices, there has been little 'reliable empirical research' (Higgins 2010). There is a dearth of empirical research on stakeholders' views of current adoption practices (Goldberg, Downing and Sauck 2007; Ross et al. 2008).

Our project explored firsthand experiences of the adoption assessment process. We also plan to undertake research with professionals who work in an adoption and IVF service to explore their views of the eligibility criteria for assisted reproductive technologies and adoption.

1.1 Aims of current research

The aim of our research was to:
1. Investigate people's experience of applying to adopt a child in Victoria
2. Critically analyse the current eligibility criteria for adoption and the extent to which they are coherent and ethically justifiable.

This research was 'curiosity driven' - the researchers have no affiliation with any adoption or government agency.

We spoke with people whose application for adoption had been successful, and with those who had been unsuccessful. We were interested to learn about participants' firsthand experiences of the selection process and their views about adoption eligibility criteria. Participants were asked to reflect on both positive and negative aspects of the process and how it might be improved. They were also invited to give their views on the claim that eligibility criteria for adoption should be expanded, and the counter claim that this would put vulnerable children at increased risk.

1.2 Report overview

This report begins with a background section outlining ongoing academic debates about the 'welfare of the child' principle. The next section describes the research methods, including its strengths and limitations.

The research findings are divided into three main sections:
- Part A: First hand experiences
- Part B: What could be done differently?
- Part C: Critical analysis of eligibility criteria

In our analysis of first hand experiences, we make a distinction between practice and policy. Section 4.1 describes participants' views relating to practice/process (i.e. how things were done). Participants' views relating to underlying policies (i.e. why things were done) are documented in Section 4.2.

In Part B, we report participants' suggestions about how the processes and policies could be changed. Again, this section is divided into two parts. The first part reports ways to improve the overall process. The second part focuses on specific steps in the process of applying to adopt.

This report contains two separate discussion sections. The first, in Section 5, is a discussion of our findings regarding participants' first hand experiences and their ideas about what could be done differently.

Part C focuses on claims about adoption that have been made in the literature. Section 6.1 reports participants' responses to these claims. Responses to these claims enabled an analysis of the current eligibility criteria for adoption and the extent to which they are ethically justifiable. This analysis is discussed in Section 6.2

The conclusion includes a short list of our recommendations that emerged from our findings. The appendices include a list of references, our interview schedule and an Opinion Piece, "Potential parents put through wringer in attempt to adopt a child". We published this Opinion Piece in The Age during Adoption Awareness Week 2010.

2 Background

It is generally acknowledged that adoption is an ethical and compassionate response to the needs of abandoned or relinquished children. However, it is also acknowledged that there are significant losses associated with displacement from birth families and, in the case of inter-country adoption, place of birth. In addition, concerns are raised about the inherent risks of trafficking and commodification of children (Shura 2010, Smolin 2004).

It has been suggested that the controversial history of adoption in Australia, including the children removed from their families under the Child Migrants Program[1] (the 'forgotten generation'), and the forced removal of Aboriginal and Torres Strait Islander children from their families (the 'stolen generation'), has led to the current overly cautious attitudes towards adoption (Murphy et al. 2010). However, Murphy et al. (2010) suggest that the House of Representatives Standing Committee on Family and Human Services report on overseas adoption ('The Bishop Report', 2005) indicates the re-emergence of pro-adoption policies in contemporary Australia.

There is general consensus that screening of prospective parents is necessary to identify and mimimise unacceptable risk of harm to children. The 'welfare of the child' principle is central to both ART and adoption legislation. However, the definition of 'welfare of the child' remains vague. This principle is variously stated as 'protecting', 'holding paramount' or 'giving primary consideration' to 'the best interest of children' or 'the welfare of children'. It is perhaps because of the difficulty in interpreting the 'welfare of the child' principle that procedures and criteria vary significantly within and between adoption services.

The 'welfare of the child' principle has been the subject of extensive scholarship (Bartholet 1999; Coady 2002; Jackson 2002; Human Fertilisation and Embryology Authority 2005 Storrow 2006; Dillard 2008; Solberg 2009). There is a wide range of views about what is in the 'best interests of the child'. The 'minimum threshold' standard is at one end of the spectrum. This standard excludes only those prospective parents who pose a risk of serious harm to children. The 'minimum threshold' standard is generally reflected in decisions about access to ARTs. Conversely, eligibility for adoption suggests a 'maximum threshold' standard. This standard rejects prospective parents in all cases in which a child's life conditions would not be optimal.

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[1] Between 1947 and 1953 over 3200 children migrated to Australia under approved schemes. The Australian Government approved over 30 homes for the housing of child migrants.

Whether the 'minimum' or 'maximum' threshold standard should apply to adoption decisions remains a matter of heated public and academic debate (Bartholet 2006; Riggs 2006; Goldberg, Downing and Sauck 2007; Tobin and McNair 2009; Fuscaldo and Russell 2010a; Fuscaldo and Russell 2010b, Fuscaldo and Russell 2007). These debates raise questions about which features predict fitness to parent, and which factors put children at risk of harm.

While there is general agreement that decisions about access to services should protect children's best interests, there is much less agreement on *what is* in the best interests of children and precisely how these interests should be protected. There is ongoing debate about the factors that can predict which individuals will be 'fit -enough' parents, what factors pose risks of harm to children and whether it is even coherent, in the case of ARTs, to refer to the interests of children who are not yet born (Fuscaldo and Russell 2007).

The adoption assessment process has been criticised because of the difficulty of predicting which individuals will be 'fit-enough' parents and what factors pose a risk of harm to children. The justification for including some criteria, for example age limits, particular health conditions and marital status, are currently contested, and sometimes described as unfairly discriminatory (Bartholet 2006, Victorian Law Reform Commission 2007).

Some scholars argue that while there is an obligation to protect vulnerable children, current adoption processes 'set the bar too high' (Bartholet 2006; Tobin and McNair 2009; Fuscaldo and Russell 2010a). They suggest that an obligation to protect the welfare of children requires that we *expand* current eligibility criteria to include all prospective parents, except in cases where reliable evidence indicates serious risk of harm to children.

3 Methods

3.1 Ethics

This study was approved by the University of Melbourne's Human Research Ethics Committee (HREC).

3.2 Recruitment

Individuals who had applied in Victoria for either local or overseas adoption were eligible for participation. Methods for recruitment included circulating flyers through adoption support groups. A Snowball technique (i.e. participants told other 'potential participants' about the project and invited them to contact the researchers if they were interested in participating in the research) was also used. Both couples and individuals were invited to participate.

3.3 Sample

We received 72 enquiries about the research project. All those who enquired were sent information about the project.

A total of 36 individuals were interviewed. The sample included 11 men and 25 women. Thirty-two participants were married, one participant was in a de facto relationship and three participants were single.

The sample included six couples. One couple was interviewed together; the other five couples were interviewed individually. In total there were 35 individual interview transcripts.

The sample included participants who had applied for both local adoption – including children from culturally and linguistically diverse (CALD) communities – and inter-country adoption. The overseas countries from which the children were adopted include China, Korea, India, Thailand, Philippines, and Ethiopia. Thirty-five participants had been assessed as eligible in at least one of their applications for adoption. Thirty applicants had been allocated one or more child; five participants were waiting for allocation at the time of their interview.

The sample included 16 participants who had used IVF services prior to their application for adoption, and one participant who had attempted surrogacy. Seven participants had children prior to their application for adoption.

3.4 Data collection

Interviews were conducted between February and May 2010. Each individual interview was approximately 1-hour duration. With participants' permission, all interviews were audio recorded and transcribed.

The interview schedule was semi-structured with open-ended questions (Appendix 2). Participants were asked to reflect on their firsthand experiences of the process of applying to adopt a child in Victoria. They were asked about the different stages in the process and how they experienced each stage of the process. Participants were also invited to share their ideas about how things might be improved or approached differently.

In the second part of the interview, participants were asked to respond to some claims that have been made both in the academic literature and in two recent government reports. We were interested in their responses to the following five claims.

1. Some people say that adoptive parents have to be 'special'. What do you think? Do you think that adoptive parents need special skills? If so, what are these special skills?

2. Some people have described the adoption eligibility criteria in Victoria as unfair, discriminatory and overly burdensome. What do you think?

3. Some people say that the overall process of assessment is overly intrusive? What do you think?

4. Some people have compared access to adoption with access to IVF, and suggest that adoption "sets the bar too high" – that it is too hard to adopt a child – or that more people should be allowed to adopt , for example lesbian couples or single people. What do you think?

5. Some people say that we need all of these checks to protect vulnerable children. What do you think?

3.5 Data analysis

The interview transcripts were critically analysed using thematic analysis (Strauss and Corbin 1990). This method of analysis is a qualitative research method that is used to generate common themes. The data from the interview transcripts were organised into a system of coded patterns, categories and ethical principles. To ensure methodological rigour, both Drs Fuscaldo and Russell analysed the interview transcripts and compared findings. The aim was to produce themes that were solidly grounded in the data.

3.6 Strengths and limitations of the research

While there is extensive literature on adoption, one of the strengths of our research is that it explored consumer perspectives of the adoption assessment process. Anecdotally, it is clear that applying to adopt a child can be a long and traumatic experience. However, there is a dearth of information about how people experience the process or how applicants think the process might be improved.

Adoption is a sensitive subject because many people are emotionally invested in the process and outcomes. A further strength of our research is that the researchers have no affiliation with any adoption or government agency. This allows for research questions, and discussion and analysis of the data without prejudice or any conflicts of interest.

Our methodology and sample size captured both depth and breadth. A sample size of 36 is large for a qualitative study and allows some confidence that a wide range of views is captured or represented. However, the results of the research are not intended to be generalisable, nor was the sample representative in the standard scientific sense. Our intention was to present in-depth insights.

A limitation of the study is that participants volunteered themselves for the research. Self-selected samples may be biased toward people with strong opinions, either positive or negative. Also, the data may hold some bias because most participants in our study had a successful outcome. This is a limitation of all research undertaken with participants that volunteer to participate. Participants speculated that a positive outcome may lead adoptive parents to reflect in hindsight more positively on the process.

> It's really good that somebody's researching it because I think the process can be improved. I know I had a negative experience so it would be quite interesting to compare that to someone who's maybe been through and had a positive outcome. Were their feelings about the process similar? (Participant 9)
>
> I think the current process is good – but this is coloured by the fact that we were successful. If we hadn't been successful, we would think the process was terrible because they did put us through hell at various stages. (Participant 22)

4 Research Findings

Part A: First hand experiences

Participants were asked to reflect on their firsthand experiences of the process of applying to adopt a child in Victoria. They made comments about the different stages in the process and how they experienced each stage. In our analysis of the data, we make a distinction between practice and policy. Section 4.1 describes participants' views relating to practice/process (i.e. how things were done). Participants' views relating to underlying policies (i.e. why things were done) are documented in Section 4.2.

4.1 Participant's experiences and views about the process

In this section, we describe participants' views and experiences of the process of applying to adopt a child. They described the process as a series of sequential steps. These steps included:
- Introductory information session
- Written application
- Education sessions
- Home visits
- Assessment Report
- Approval
- Allocation
- Post placement visit
- Legalisation

We begin by reporting the comments that were generally favourable about these steps and how they were implemented. The following section reports findings that express criticism of the process.

4.1.1. Positive comments about the process

All participants acknowledged that the process of applying to adopt is long and demanding. However, there were many positive comments about the process – some participants described it as enjoyable.

> There was part of me that enjoyed that process because I like to think about things. Some of the questions were really curly and interesting. My partner and I embraced that process. (Participant 5)

> In terms of what we are embarking on – particularly when you are talking about another human being, removing them from their country and their culture – you certainly need to understand the implications and ensure it is something that you are fit to do… We are grateful that the process takes you down that path, and discusses a lot of those things. (Participant 25)

One participant described the time between each step as helping her and her partner to reflect on new information and to decide whether or not to take the next step.

> Each stage is some sort of filtering process – perhaps not in them approving you, but in you deciding that you want to go forward… Each time you find out a bit more, and you decide whether or not it is for us. And you decide whether or not to take the next step. I think that is a really good thing. (Participant 3)

Some participants described enjoying the introductory information sessions and found them informative. They enjoyed the personal accounts presented from the perspective of both the adoptive parent and adopted children.

> The parents who told their stories were most helpful. You got a sense that they were successful and that there was some light at the end of the tunnel. That was the most positive thing that we took away. (Participant 20)

> The other good thing was the guest speakers. They were interesting for me at that stage – hearing some real life stories. When you sit in those sessions, you feel that it is something quite real. Until then, it was all a bit abstract. (Participant 23)

Participants also benefitted from the information provided by the support groups early in the process.

> The other thing that impressed me about the information night was that, at the back of the room, inter-country adoption support groups had various stalls set up where parents had formed organisations and associations to support people. (Participant 17)

Following the information session, applicants were required to complete an extensive written application. This included questions about health, financial status and life stories (including family background). At this stage, applicants were required to have a formal police check. Applicants for inter-country adoption were required to complete a country project.

Again, many participants found this part of the process to be enjoyable and useful. They described the life story as an opportunity to reflect. Some said that they learnt things about their partner that they otherwise might not have discussed prior to becoming parents.

> The life stories were really useful – that was such a good thing to do. We really enjoyed doing it and although we sort of dreaded doing it, once we had actually done it, we realised how important it was and in fact quite a few of our friends who've got biological kids said, "We wish we'd done something like that"… it really made you reflect – we knew about each other, but you don't as a couple always share heaps of stuff about your childhood… we found it was really, really useful because you really reflect on the way you were parented and then it challenges you to think about how you're going to parent (Participant 4)

It really makes people look at themselves. It makes you think and articulate with your partner how you want to raise a child… there's an amount of pre-planning (Participant 28)

The health, police and financial checks did not concern some participants.

Health check is no big deal. (Interview 7)

The police check is not a great drama. I've had about five of them for different things. (Participant 17)

I have experienced several police checks as part of my career and do not have a concern about getting one done. (Participant 23)

I have experienced a financial assessment and it was no more detailed than one you would complete for a home loan. (Participant 23)

Applicants for inter-country adoption were required to complete a country project. Many participants enjoyed undertaking the research and found the task informative.

The country project was a little bit gimmicky but it made you sit down and think a lot more about the country you are choosing to adopt from. (Participant 25)

After completing the written application, people were required to attend education sessions. Participants described spending a few weekends learning about aspects of parenting adopted children. Many participants made positive comments about the content of these education sessions.

The education sessions were really enlightening and probably one of the most important parts of the process. It made us think about a whole lot of issues that hadn't crossed our mind. (Participant 24)

Adopting a child is a slightly different parenting process to having a birth child. It's important that you're aware of that and are made to consider those things that might come up – about how it's different. For example, often with adoption you come home with a toddler rather than a baby. (Participant 5)

In addition, participants valued the opportunity to meet other adoptive parents, with whom some made lasting friendships.

The education group is three full days with a group of about ten couples. We have formed a long lasting beautiful friendship with four of those. We have become a kind of mothers' group. (Participant 5)

The education sessions were great. I felt they were the most beneficial and important part of the entire process. The main thing that I walked

> away with was relationships with a couple of people and those people will form the network for my family and me. (Participant 23)

> The education sessions were good in terms of meeting other couples who were going through it and then learning a lot about the whole process and the issues we would face with it all. I found it very informative. People talking about their experiences were one of the best things. (Participant 32)

Following the education sessions, the next stage involved a social worker visiting the applicant's home. For many, the overall experience of the adoption process was largely determined by their relationship with the social worker assigned to them. Some participants described the home visits as positive because they felt comfortable with the social worker and they developed a good rapport. Feeling comfortable enabled couples to engage with the social workers' questions.

> I was really nervous about the home visits. In fact we had a wonderful social worker. She did a lot to put us at ease and she was really warm and I had a very good rapport with her... the social worker can really make things really difficult for you or be nice. Ours was fantastic. (Participant 5)

> When we did the questions with the social worker, it was great to find out things about each other– it was like pre-marital counseling. (Participant 12)

Some participants said that they received helpful advice from the social worker during the post placement visit.

> We had a few issues with our son and we were comfortable enough to talk to the social worker about it. We thought she might be able to help us and give us some advice. She pointed us in the right direction. (Participant 30)

Although not part of the formal process, some participants spoke favourably about the ongoing support and information provided by voluntary groups and resource networks. Some participants had also attended seminars and information sessions that were organised by the post placement support service.

> To get a good support group is imperative. You've got to speak to people who've been through the system because they will tell you the actual facts. (Participant 1)

> Post Placement Support Service has lists of professionals you can see who know about adoption and know about attachment issues and that sort of thing. Most GPs don't have any idea about adoption and some of the

special issues related to that. You go to twenty doctors before you get to somebody who says, "Oh yes, I've seen something like this before". (Participant 30)

4.1.2 Comments critical of the process

As outlined in the previous section many of the research participants described the process of applying to adopt as appropriate and necessary, and some described it as informative and enjoyable. However, many participants also expressed frustration and disapproval, and some felt disrespected by the process. In this section, we describe findings that express criticism of the process.

This section is divided into two parts. The first part reports comments that were critical of the overall process. The second part reports comments critical of specific steps in the process.

4.1.2.1 Findings critical of the overall process

Participants commented on aspects of the adoption process that they found difficult. Many participants described the process as bureaucratic, and felt that the process failed to acknowledge their sincerity and good intentions. While many participants were supportive of the work of the Victorian Department of Human Services (DHS), some expressed frustration about timelines, lack of resources, communication and access to information.

Bureaucratic nature of process

Some participants stated that they fully supported the steps involved in the current process (e.g. police checks, education sessions, home visits), but they had concerns about the way in which the process was implemented. They described the process itself as appropriate but the implementation of the process as bureaucratic.

> I don't have a huge issue with the process itself but I had an issue with some bureaucratic aspects. (Participant 10)

> The process is bureaucratic and tedious but we never thought anything was inappropriate. Just boring and tedious. (Participant 27)

> I haven't really got a lot of problems with the 'in principal' process – it's how they're applying it. (Participant 1)

Some participants likened the adoption process to other formal processes like taking exams or applying for a mortgage. They accepted that while not particularly enjoyable, there was a need for a formal process.

> I likened it to having to pass my university or high school exams. I wouldn't pretend I particularly enjoy them but this is just part of the whole process. I knew I needed to do it. (Participant 27)

> I had to list what the house is worth, what my expenditure is every week, how much money I've got left in the bank at the end of the week. It was pretty in-depth, like applying for a mortgage. (Participant 14)

Participants described the number of different steps in the process of applying to adopt, and the long period of time between each step, as "*obstacles*". They referred to "*road blocks*," *hoops*" and "*hurdles*" and suggested that determination and perseverance were required to complete the "*arduous*" process.

> It felt like there were too many obstacles to pursue it further. It felt like it was such an uphill battle...it takes a lot of strength to hold you through for that amount of time. It's a very big and difficult path to go down but the rewards are enormous. You have to weigh that up. (Participant 9)

> There's just road blocks every step of the way. It's quite arduous. The process is certainly designed in such a way that if you weren't committed to doing something, then you would give up because it's just so hard, so intrusive that most people that aren't dedicated and committed to going through the program would probably give up. You've got to push over the walls, work through it, jump through the hoops like a performing seal to get to the end and we went through – and absolutely I'm glad we went through it obviously because we've got beautiful kids, but could it have been a lot easier? Yes absolutely it could have been a lot easier. Could there have been less heartache? Absolutely. (Participant 15)

> Most of the process is about the next hoop, the next hurdle. (Participant 20)

> When you go through this process, there are a lot of hoops that you have to jump through. (Participant 25)

Time-lines

A recurring concern expressed by many participants was the length of time required to complete an application to adopt. Participants referred to long delays and suggested that these delays were due in part to a shortage of government resources. For example, some participants had difficulties accessing information about adoption; some had to wait months for a place to become available for information and education sessions. They also described delays in the processing of their paperwork and responding to telephone enquiries. Participants expressed frustration at process, describing it as "*inefficient*".

> Finding information about adoption was like finding a needle in a haystack. Then contacting the person who you needed to contact to go to the initial information session was equally difficult because they worked five minutes of every week and it was a different five minutes, so you would ring and there would be a message saying – only work from here to here, try that – and you'd try the next week and it would be a different time. (Participant 19)

There's no doubt that a lot of the steps they take are good steps, but I can't believe it has to take so long. (Participant 21)

Every step took months longer than necessary. It would be nice if it all happened more efficiently and more openly and you were kept in the loop better. It seemed to be a manpower issue - there must be a shortage of people working there. (Participant 27)

You send a piece of paper to someone and they may read it six months later and then get back to you in another three months time. They say: "We're under resourced and under-funded." But what are they actually doing? (Participant 1)

There is a lack of respect regarding timing. I know resources are tight but taking 2 years to assess you – or 2 years to even interview you – to have you waiting around, not knowing if they are even going to assess you, let alone knowing whether or not you are going to pass, that level of disrespect… For the workers, 4 or 5 months is nothing. But when you are on the receiving end, the message that you get is that [the waiting time] is unimportant. (Participant 31)

The biggest negative is the time. We don't communicate with the department very often. It seems very impersonal – we are just a number. We know they have limited resources. There are things that they need to focus on and people ringing them up every 2 months asking what their status is probably not their best use of resources. But there is no real personal follow up to see how we are coping with the long wait. They want to know all about us but then we are just a number is a queue. (Participant 25)

It takes an unnecessary length of time to adopt and move through the different hurdles. These hurdles could be seen as useful processes. But because of the duplication, the time and perhaps the general attitude... that the process becomes a chore and tiresome. (Participant 20)

Shortage of resources
Participants described other problems related to the lack of resources. These included a shortage of staff, lack of staff continuity and poor communication between staff. Many described not being able to talk to the same person twice.

DHS is just completely understaffed. The frustrations we've had with DHS are due to the fact they are understaffed ...They try to fob you off. (Participant 10)

The department is not well resourced and there's high staff turnover. Other real difficulties or frustrations are the lack of continuity of staff. You've just explained something, or someone's just got their head around your story, and you've got to explain it all again. That was really frustrating. (Participant 20)

> A lot of it was very fragmented, so the person that was doing the home visit assessment was a different person to those we had met in other education groups or other contexts. There was very poor communication between the people. (Participant 8)

Participants talked about difficulties finding staff with up-to-date knowledge and the expertise to answer their questions.

> The biggest problem is when you ring up – they'll pass the buck. Noone seems to have a defined boundary of what their job and the next one's job is. If you have a tricky question, they just fob it off to the next person, and then the next, and they never ring you back. (Participant 2)

> We felt a bit helpless because there was noone to ask questions. (Participant 10)

Quality and cost of service

A few participants referred to themselves as clients or customers and suggested that the department was not providing good *"customer service"*. They questioned whether the fees were commensurate with the services provided.

> We have adopted three children and paid $90,000. When you're paying $30,000 as a fee for service you expect good service provision. (Participant 2)

> The departments did not provide good customer service. They often fob you off. (Participant 22)

Participants described adoption as very expensive and speculated that this may deter people on low incomes. A few participants also referred to hidden costs.

> The process discourages people who don't have a lot of money and who aren't good at filling in forms – basically people who aren't professionally educated. It's quite an expensive process and it's very laborious. (Participant 27)

> We got a schedule of fees at the start, but there's a lot of extra fees. (Participant 10)

> Fees act as a barrier maybe to some people. You don't have those sorts of fees if you're having a biological child. Each step there's another request for money. I felt slightly uncomfortable about that from a moral point of view. You know you're not paying for a child, but the fees made me uncomfortable. It would be good if there were no fees or the fees were less… The fees may make it harder for people who were thinking about adoption as a humanitarian thing. (Participant 4)

Some participants described some aspects of the process as "*demeaning", "inhumane*", "*traumatic*" and "*disrespectful*". Some felt that the process lacked the common courtesies that one would expect in any service provision. Some participants felt that their motives were being questioned.

> Overall it needs to be a thorough process. I'm really a strong believer that you need to assess appropriately and you need to go through a rigorous process. I don't think any of the things were unnecessary, but it was the manner in how it was carried. What I object to was it was done in what I would call a very inhumane manner… The current process of adopting is quite traumatic. (Participant 8)

> Even when they ask us to drop things in, and I go in personally to drop them in and ask for that person, they never come out of their office… the people in the Department have our photos, have our financial records, have details of our personal life and won't come out to the window to take a piece of paper that they've asked for which I think is rude in the extreme…The interaction you have with people in the department can be very demoralizing – they are very dismissive. The Department treats people as a number, as a process, not as a person… Department interacts with people poorly. It's not professional.   (Participant 28)

> The lack of communication from the Department and the lack of consideration… I felt like they didn't care or understand about the stress that we were going through. (Participant 30)

> We had some really poor people assessing us… it was very demeaning and very disrespectful. (Participant 8)

> People who want to adopt, their intent is good – yet these people are putting all these things in their way. We had the feeling that our character and motivations were being questioned. (Participant 20)

One participant suggested that the process was *"torture"* and questioned the panel's capacity to make judgment about the ability to parent.

> We got tortured by the panel – there was not one person on the panel who had parented this century. All were over 50 – including the regional manager who was appalling to me. He was sexist and inappropriate. They grilled me for half an hour. We were both working part time and wanted to continue to work part time. That is why we were knocked back. They would only approve us for adoption if I agreed to not work for the first year. They did not care what I did after that. It was the only family structure they were prepared to accept. They questioned my commitment and interest. (Participant 31)

One participant suggested that the process was so difficult that he may not reapply.

> The process is a factor in whether we will apply again – it is difficult, annoying, frustrating and antagonistic. (Participant 34)

Communication

Participants were critical of communication with the department. Comments were made about the frequency, timeliness, manner and content of this communication. In addition, participants said that they rarely spoke to the same person twice.

Lack of communication

Some participants expressed dissatisfaction with the infrequency of communication. They said that long periods of time passed without any communication from the department. They said that this lack of communication caused them "*stress*" and "*despair*".

> As time went by, we had little contact with the Department. Occasionally, we had contact that we initiated. We felt despair during that period. (Participant 23)

> Half of the stress of adoption is you're in this weird wait. You just don't know – you get no information. (Participant 5)

Participants expressed frustration about not knowing whether or not the department had received all the required paperwork nor how their application was proceeding.

> You'd send in a form and you wouldn't hear back for months unless you rang to enquire. It is a never-ending source of frustration – not knowing if things had been received. (Participant 27)

> There is a general lack of communication and you're always the one who has to chase – you're always the one who is following up details. There's no pro-activity on their part and that gets frustrating. And you have the difficulty of not wanting to be too pesky because they're the person at the end of the day who can make a decision about whether you're suitable to adopt or not. (Participant 20)

> After we'd sent in our paperwork, we didn't get any reply. I rang a duty worker and was told that they had received all the paper work. But they hadn't. Nobody called us to say: "Can you follow up on this" As a result, they didn't invite us to the next education group. We had to wait another three or four months… All the way through the process, there have been things like that, things that are frustrating. (Participant 10)

> The only thing we had a problem with was lack of communication… we handed in our application and then heard nothing for quite a while. I rang them to say: "What's the hold up?" and she said to me that they can't do anything unless we get our police checks. We had given them police checks with our application. (Participant 30)

Some participants expressed frustration at the lack of communication about outcomes and decisions relating to their application.

> At a very critical time we were put down the queue, and there was no explanation. I asked, trying to be as calm as possible. But I was just brushed off. I found that extremely upsetting. (Participant 32)

Timeliness

Participants expressed frustration about the time taken to respond to their queries and process paperwork.

> If they said they were going to email us now, it would probably take 3 days. If they said they were going to put it in the mail today, that would take 2-3 weeks. Even when we were finally notified that we had been successful, it took 3 days to get the fax with the paperwork. We were just waiting around for 3 days. (Participant 22)

Manner

Some participants took issue with the manner of communication. One participant explained that her partner was told via his mobile telephone that they were not eligible to adopt. However she was never formally advised of the outcome of their application.

> They called my husband on his mobile to say our application was not successful. They should have had the courtesy of calling me…I'm not disputing their decision – for health reasons, they don't want to place a child with us. However, it's the approach and how that decision was communicated. We've never formally been advised from DHS that our application was unsuccessful. As far as I know, we've got an application sitting there pending. (Participant 9)

> If we rang DHS, they were very blunt. (Participant 10)

Information

Some participants described information from the department as inaccurate and contradictory. Participants also described information being withheld. Some participants described a lack of trust in the information that they were given and the way in which their information was managed.

Accuracy of information

Some participants questioned the accuracy of the information, such as information about the criteria for eligibility to adopt.

> It's very difficult to get accurate information. So we just thought: "We'll get married and then we won't have to worry about it". (Participant 24)

> There's been a lot of contradictory information and lots of little mistakes. (Participant 1)

The information would change – sometimes it depended on whom you spoke to. (Participant 8)

They've told us so many different things. That's part of the problem. They said so many different things to us throughout this whole adoption process. We've never known what to believe. (Participant 18)

I don't know where they get their information. Depending on who you speak to, you get different answers. (Participant 24)

The process seemed like a secret code of information that we had to navigate diplomatically over time. (Participant 23)

Lack of information

Participants said that they lacked information about the process, including how long the process would take.

We didn't even know that we would have to go to court in [country name] to get guardianship. We didn't even know what time we had to turn up to the orphanage. It wasn't until we got to our accommodation the day before that there was a letter from the orphanage telling us what time we had to arrive. So, even up to that point, you're kind of still in the dark. We were also never told that we had to wait a year before we could legally adopt them… Twelve months from arrival into Australia. DHS is still the guardian and still dictates what can and cannot happen to them. We were not told this until after we got them home and tried to enrol our children in school. (Participant 16)

There was a lot of withholding of information. When people asked questions in the education class, they said: "We'll tell you when we think you need to know" – that was their line in the education group. It was very disrespectful. You never really trusted them – you felt that they were withholding information. There wasn't a whole lot of trust. (Participant 8)

It is annoying that they don't give you any indication of time-lines and how long it will take. You are in limbo. (Participant 5)

Record keeping

Participants expressed concerns about the department's information management and record keeping. They wondered who would have access to personal information in their files.

Six or nine months had passed and we heard nothing. So I rang DHS and said that we've sent in this very personal information of ours and we wanted to know where we were up to in the process because we thought that there were going to be interviews or some contact from them. I spoke to a person on the phone who was a social worker in the Child Protection

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Unit who was assigned to follow up with this assessment process and she said: " I can't follow it up now, we're short staffed, we're stretched, we've got an unbelievable amount of work and what's your name again?" So I gave her our name and what it was about and she said: "Oh hang on, I'll just go and have a look and see if I can find your story". So she went off and was flicking through papers and she said: "I can't find it". So I got a bit upset about that. But she did ring back a few days later and said: "Oh yes, I did find it, it's okay". It was in an in-tray or some tray. I was a little unsure about how confident I was with their record keeping and how they treated what I thought was quite confidential sensitive information. (Participant 26)

There have been cases in which files have been lost. (Participant 5)

4.1.2.2 Findings critical of specific steps in the process

This section focuses on specific comments that were made about different stages of the process, including the introductory session, application form, various checks (health, police etc.), the education session and home visits. Some participants questioned what the process was actually assessing.

The assessment process deals more about your emotional state over your own infertility and reasons for adopting than whether you are fit to parent. (Participant 16)

Introductory information session

Several participants found the information session overwhelming, due to the number of people attending and were disheartened by negative stories of their chance of success. Some participants described the information sessions as deliberately discouraging people and suggested that the aim was to cull the number of applicants.

The information session was quite scaremongering – there was a feeling that maybe they could lose 50% of these people just by telling them the truth now – they told us that it was really difficult and you really need to be sure. (Participant 23)

It was a bit overwhelming. There were a lot of people there. We came away thinking it's going to take a long time and there's a lot of stuff that we need to do. We'd want to be pretty serious and committed to move ahead with this… We were pretty put off by what we'd seen and heard. We shelved it for a while…The general feeling was definitely one of frustration – here are the hurdles, here are the hoops that you will need to jump through. (Participant 20)

The format and content of the information session was criticised. Some participants said that much of the information presented was repetitive and already available on the department's

website. Some participants were disappointed that their questions were not answered during the information session.

> The information session was appalling. It was so badly done. She was very unclear and a really bad public speaker. They did not make the process clear. (Participant 35)

> We had read everything that was available on the website. In terms of content, there was nothing new in the information session. What overwhelmed me was the sheer number of people in the room on that night. (Participant 33)

> The information that's out there is quite general. So when you go to the information session, you'd expect to find things out… We asked questions, but they weren't answered. They said that we needed to apply and take it from there. (Participant 9)

Some participants said that the large number of people at the information session made it difficult to ask questions, particularly questions about eligibility.

> When you do the information in a large group, people are intimidated. The facilitators tend to be a bit more dictatorial than they would be if they were trying to form a relationship with those people about what they needed to do and where they could go to for help. (Participant 16)

> The information session is not a forum where it's comfortable to ask: "My husband's been hospitalised for mental health issues, is that going to be problematic?" If I'd known upfront, if we'd had an opportunity to talk the issues through with someone, then we wouldn't have proceeded. I could have said that we'd like to talk with somebody about the application process before putting it in because we've got some questions, but that's also not openly invited… we had to do all that paperwork before we found out. (Participant 9)

Written application form

The written application was described as long, repetitive and difficult for some people.

> We are educated people and hence did not have any trouble working our way through the application, but could easily see that it would be very challenging if we were otherwise. There was no guidance to complete these forms. (Participant 23)

> The life story is hilarious –you can only laugh when you get handed this document – eight pages of just question after question after question after question. In total there's 122 questions! (Participant 24)

> They just kept on asking us the same stuff on different sheets of paper. (Participant 10)

There's so much duplication – that is very frustrating (Participant 20)

The forms were very repetitive. If I had to write down my date of birth any more times, I would have screamed. (Participant 28)

Many participants wondered about the relevance of some questions, particularly questions about their sexual relationship with their partner.

I think the screening is extremely thorough and I think in some ways that is really fantastic. But there are also those silly questions about sex and the unwritten rules in your family and the unresolved issues in your marriage…I don't even know what to say about our sex life because I was trying to think of what they wanted to hear. (Participant 2)

They ask me about my sex life… For single people, maybe a dating history would be more appropriate. (Participant 1)

Some participants raised doubts about the relevance of questions about their parents and their own childhood experiences.

I think the life stories are a bit overboard. Asking so many in-depth questions about your childhood, what kind of parents your parents were, and what kind of childhood you had and so on –there are a lot of people who had very unhappy childhoods – but it doesn't mean that they're going to be poor parents. (Participant 24)

A few participants described withholding information from their life stories because they did not want to be examined too closely. They suggested that full disclosure in their life stories would negatively impact on their applications and regretted the amount of information that they disclosed.

You have to do your life story. It is a big thing, about 16 pages of incredibly personal questions. The challenge was to answer – you couldn't answer in bullet points. You had to write it properly… our challenge was to give them bits so they would leave you in peace, but don't say everything because you don't want that. (Participant 6)

We just told the truth. I would now tell people to just tell them what they want to hear. Telling the truth caused us quite a bit of grief. After we'd handed in our life stories, they called us in for a meeting. They grilled us over why we were adopting. (Participant 24)

We answered their questions honestly – others have said that we should have just given them the bare minimum – only tell them what they need to know. (Participant 25)

Health checks

Most participants accepted the need for health status to be part of the eligibility criteria. However, some participants explained that they were deemed ineligible even though they were successfully managing their health conditions.

> I had a history of longstanding [description of illness removed to protect privacy] and it was never a problem – I had medication and everything was fine, but they cautioned whether that was going to affect my ability to be a parent… she told us that we were lucky to even be allowed to continue given that I've got [description of illness removed]. Then I was told it wasn't appropriate that I be approved for twins because I had [description of illness removed]. I was pretty unhappy about that because it was totally unreasonable and it had never impacted my parenting with number one child…it didn't impact me being a good parent.   (Participant 2)

> We'd put down his medical condition. We'd been open about it in the forms. They came back asking for further information. His psychiatrist wrote a letter and supported the application. His psychiatrist saw no reason that we wouldn't be fit parents…They called him on his mobile and said: "because you're on medication you're not acceptable. But when you're off medication then you could be considered". This is medication for mental health –if somebody was a diabetic and they're on medication, are they are going to be rejected because they're on medication? (Participant 9)

Pregnancy test

Many participants had made the decision to apply for adoption following years of infertility and in some cases following years of unsuccessful fertility treatment. Some of these participants described the need to undergo pregnancy testing as unnecessary and insensitive.

> I also had to have a pregnancy test before allocation. That felt like a slap in the face. (Participant 35)

> Until recently, they made every woman do a pregnancy test even those who are medically infertile. It has only recently changed… These are the stupid things that I had to put up with. Thankfully someone looked at my file and twigged that I could not get pregnant. What a waste of money. I know someone with a hysterectomy who they made have a pregnancy test. It is insensitive. (Participant 29)

Financial checks

Again while participants generally accepted the need to access their financial eligibility to raise a child, some participants questioned the level of detail that was required.

> Some of the financial questions are quite in-depth. While they want to make sure that you are not on the rocks and that you can support the child, we didn't really see the point in going to this depth. (Participant 15)

The financials were really in-depth. They went too far. I understand that they don't want you to be struggling – because if you're struggling financially, and you've got the stress of looking after a child, (the child) would add to the burden. But as long as you've got enough money to support yourself, they don't have to go into minute details. (Participant 30)

Education session

A number of participants were critical of the level, content, focus and timing of the education sessions.

Education Level

A few participants said that the education sessions were pitched too low.

The education sessions were dumbed down and very unprofessionally presented – a lot of the materials they used were very, very old. (Participant 17)

The education groups were dreadful… They were run as if you were at primary school. It was painful. (Participant 4)

We had to play silly games – we were given paper dolls and we had to name them, invent a story and then report it. I lost it a bit. I was surprised that the education sessions were simplistic and trivial. (Participant 6)

We have a biological child and we'd been parenting for years. We found the education sessions patronising in terms of children and parenting. (Participant 20)

Content

Some participants questioned the quality and relevance of the information.

They didn't seem to know a lot about their policies and procedures – they didn't give very good information… The facilitators (of the education classes) were not aware of the policies of the countries and gave wrong information (Participant 17)

The classes did not educate you about the things that you needed to know. (Participant 31)

Focus

Participants described the education sessions as having a negative focus. Rather than use the many positive stories about the adoption experience, participants said that the education sessions focused on the difficulties of adopting a child. One participant suggested that the purpose of the negative stories might have been to discourage potential applicants.

I found the education sessions completely negative. I got the feeling that they were trying to cull by talking about only the difficulties. They put fear into people who are already full of fear. (Participant 16)

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> The majority of people that we know have really successful and fantastic adoption stories. But you don't hear them during the education classes. (Participant 5)

One participant suggested that the focus of the education session was on assessment rather than education.

> There's sort of a paradox - we were in that room being assessed. We were told a response and we then just parroted it back. You weren't going to say anything that was going to endanger your process. So there was a contradiction in that it wasn't really about education. It was about listening carefully to what was being said and then making sure you responded appropriately. They had a clear line of what they wanted you to say and you weren't going to go out of that line. (Participant 8)

Timing

Some participants felt that the education classes were held too early in the process.

> I did those classes seven years prior to my allocation. There was no top up, no refresher. (Participant 14)

One size fits all

One participant who had chosen adoption as a first choice described difficulties during the education session when she was asked to share her experiences of infertility.

> Our story is a little bit different in so far as it's our choice to adopt. Everyone else in our education sessions had been through IVF. We were all put into groups to swap stories about our fertility issues. We didn't know what they wanted us to say because we couldn't swap stories. (Participant 28)

Home visits

For many participants, the home visit was the most difficult part of the process. Some described a social worker coming into their home as *"intrusive" "nerve wracking"* and *"grueling"* and like a *"criminal investigation"*.

Assessment by stranger

Participants talked about the difficulties of having a stranger come to their home to assess their ability to parent. Many felt uncomfortable with the visits and described feeling that their social worker was making value judgments and 'looking for problems'. Some admitted to saying what they thought the social worker wanted to hear. Some participants said that the home visits had been particularly difficult for their children.

> It's pretty stressful having a relative stranger come to your home and make a judgment of you. I felt that she was looking for trouble. (Participant 14)

The home visits were nerve wracking. You have the feeling that you are putting on a performance the whole time – you are being tested and assessed. That is extremely nerve wracking. It is not a good feeling to feel that you are being judged to see if you are worthy to become a parent. (Participant 11)

It is a very nerve wracking experience. You feel that you are, and you are, being assessed. And you are not sure that you are saying the right or wrong things. That can be quite a stressful experience... They have the power to say "yes" or "no, we don't think that you are an appropriate person". Anyone who can conceive a child naturally does not have to go through that – anyone can have a baby. We are being chosen, assessed. It is an enormous thing to go through. (Participant 7)

By the time of the home visits, I started to feel that I had had enough of being scrutinised. And I started to agonise about what would happen if she did not declare us fit to be parents – would we have to give our own child up for adoption (Participant 6)

We were drained at the end of the home visits… She was looking for problems that weren't there.   (Participant 10)

I was often made to feel incompetent because I could not express myself. I was not expansive enough, I was guarded with them. I was feeling like I was being judged, and I was watching myself. It was like a criminal investigation. You have to accept social workers coming in and giving you value judgments…The interviews with the social workers were fairly gruelling… The social workers are quite powerful. You feel that you can't put a foot wrong. We were just giving them the answers that we thought they wanted to hear. They put us through hell at various stages. (Participant 22)

Social Worker Training

Some participants questioned their social worker's level of training and competency. They felt that some social workers made judgments based on their own opinion rather than on policy. They commented that the social workers did not have guidelines.

People who have no training in that area do the assessments. (Participant 28)

They basically make judgments based on their opinion. (Participant 34)

There was a sense that some of their judgments were not based on their formal assessment but were about their own prejudices. (Participant 31)

Our social worker could not answer some specific questions. (Participant 25)

All the assessors who I met were incompetent. (Participant 8)
The social workers don't have a lot of guidelines. (Participant 2)

Inappropriate comments by social worker

A few participants gave examples of the social worker making inappropriate remarks.

> One of the first things she said to me when I walked through the door was: "You look like a Barbie doll – why don't you just go to the pub and get pregnant?" (Participant 1)

> Our social worker asked us inappropriate questions. She asked us how we would deal with our son/daughter when they came home drunk in the back of a divvy van when they're sixteen. This was before we had even been approved for adoption – before we had any children. (Participant 15)

> Our social worker suggested that, when we first came home with our child, we shouldn't let anybody else in the house for longer than twenty minutes. She told us that we needed to make sure that the child was going to attach to us. This would have been incredibly difficult when you've got a family that want to meet and greet this new addition to the family. It was just unworkable. So again, that was a kind of jump through the hoops job – we agreed with the social worker, and then we did something different. (Participant 15)

> The social worker called us at allocation. She wasn't very warm about it. She didn't get how amazing – the giving birth moment. She didn't get it. Then said that she was really busy the next day so she wouldn't be able to show us the photos and file until the following day. (Participant 35)

Home Safety check

Participants questioned the need for safety checks of their house, particularly when they were carried out years before approval or the placement of any child. Some compared these home checks to preparing a nursery before becoming pregnant and felt superstitious or uncomfortable about this. One participant explained that in some cultures or religions (e.g. Judaism) preparation for a child is not allowed. For some participants, making the house childproof was a painful daily reminder of being childless.

> A social worker with a clipboard walking around your home doing a safety check. If in the top draw of your bathroom cabinet you have a packet of painkillers, she wouldn't sign the form off until you removed that packet. When it was a year prior to the child arriving in your home. (Participant 3)

> She told us that our outdoor barbeque was unsafe. It needed to be relocated to where the child couldn't get to it. Similarly our external gas hot water service. She insisted that we gate off the side of the house to limit the access of the child down where the hot water service was because it was deemed unsafe, which is just silly. (Participant 15)

> The social worker insisted that the house become safe before she would approve their file. Therefore this house had child gates on the stairs and locks on all the drawers before they were even approved for their file to go

to (overseas country). That was over three years ago. Can you imagine walking around your own home with all these child gates and wanting a child so badly? It reminds you every day of the wait. It becomes insane… it's almost cruel to suggest that you need to install these child safety things when you don't have the child and you've been working and waiting so long to have one. (Participant 15)

We had to get safety locks on all the draws and then wait 4 years for a child. It is against my religion. In Judaism, you are not allowed to prepare for a child until they come. (Participant 29)

Before you know you've been approved, they do a child safety check of your house. So you have to childproof your house. You don't know what aged child you're going to get and it could be three years or five years until you have a child. We had to put childproof locks on our cupboards and do all of this – we never needed them. We had a very painful wait – we had all this evidence of child proofing in our house. It was quite painful – like making a nursery before you're pregnant. (Participant 5)

Report

Some participants questioned the accuracy of the social worker's report and commented that they were unable to check final copies.

Some of the things that were written up in the report were really misleading…Apparently they changed it. I asked them to send me a copy of the report once they'd changed it, but I never got it. So I don't know how it was changed. (Participant 24)

The DHS send you the draft report. I sent amendments back. Whether they went to the social worker or whether the DHS amended the report, I have no idea. I never saw an updated report. (Participant 3)

They produced a report – and quite a few things were factually wrong. I don't recall having the opportunity to correct them. (Participant 22)

Approval

Participants were critical of the lack of contact and support after their application for adoption had been approved.

As the process goes along, you don't hear a lot from the department… It was very intensive at the start – first application, training– and then you go into a waiting pattern. (Participant 25)

We had little or no support during the "waiting" period and used our own networks for support. (Participant 23)

Process post placement
Some participants were critical of the post placement visits. They felt that they were being assessed, rather than being supported. Some felt that seeking advice or assistance from the social worker during a post placement visit might be viewed negatively.

> The post placement visit was intrusive. It was almost like they were trying to test you and trip you up… It definitely didn't feel the place where we could ask questions on how she thought we should do this or how she thought we should deal with that (Participant 15)

> If you feel like you are struggling with anything, you don't feel like telling your social worker about it because you know that they are judgmental and that they are going to put it in their report. (Participant 7)

> They've got all the power. I've got a whole year to get through before she'll be mine. I live in fear they'll take her off me. I'm not going to put my hand up for anything. (Participant 14)

> If my child was having issues with going to prep at school, would I contact the Department for assistance? Absolutely not. (Participant 15)

> If we got into trouble, I wouldn't go to the social worker or department. We have a strong support network. I would rather go to them first. (Participant 21)

> We got most of our support from outside the Department. They're not always easy and approachable to contact. Most of the staff are part-time – so you can't always get them when you want them. (Participant 27)

> When we needed help, we went to professionals – the adoptive community, not department. I would go anywhere else except department. (Participant 32)

One participant commented on the validity of the post placement report.
> There was one time when she visited and our daughter was asleep. She made a whole assessment without seeing her. I didn't say anything because I thought: "Good we'll get you out of our hair". But that was shocking. It was astonishing that she'd write an assessment about a child that she didn't even see. (Participant 8)

Participants said that they did not receive any information post placement about professionals with expertise in adoption issues or general information for new parents. A few participants tried unsuccessfully to contact the Adoptive Families Association of Victoria.

> So many people are unsupported post adoption – you're on your own. There are only a few professionals with a good understanding of adoption issues. You have to find these services by word of mouth. (Participant 4)

The other thing that was very severely lacking was what to do when the child comes home. When you are a biological parent, the nursing services help… (When you adopt, you are not told about) things like car seats. Things like if you don't enrol them with your health benefit fund within a certain period of time, they have to wait for the qualifying period – The DHS don't give you any advice about these little things. We had to go to a session that was run by [a voluntary organisation]. (Participant 16)

There was an Adoptive Families Association of Victoria – but heir website hasn't been updated for four years. There is an email contact on the website which I've emailed but had no response. I found a mobile phone number in the directory, but it's dead. I got another telephone number, but it was also dead. So the only support group for adoptive families seems to have died. We haven't found anything else. (Participant 19)

I tried to contact the Adoptive Parents' Association but they no longer exist. There was no support. There was no one to talk to. (Participant 26)

In Victoria, there is now a post placement support service. But they are fairly new and don't receive any government funding… On the odd occasion that they have run sessions, they have been booked out. (Participant 7)

4.2 Participants experiences and views about the underlying policies

In our analysis of the data, a distinction is made between policy and practice. The previous sections described participants' views relating to practice (i.e. how things were done). The following section documents participants' views related to the underlying policies. This includes comments about the reasons, justification or rationale (including laws, guidelines, cultural expectations and ethical principles) that explain the way that we currently go about adoption in Victoria (i.e. why things are done the way they are). We begin with the comments that are generally favorable of, or indicating agreement with, the current policies.

4.2.1 Comments in favour of current policies

Although participants criticised the adoption process, many agreed in principle with the need to inform, educate and assess people who apply to adopt children.

Eligibility criteria

Some participants spoke positively about the policy of assessing applicants for eligibility. They suggested that this policy helped them to become better parents.

I firmly believe that we need to be screened within an inch of our life. I think all parents should be. (Participant 17)

I honestly believe that the process that we've been through will help us be better parents. If all parents went through the same process, and I'm certainly not suggesting it, then it would help people to become better parents. (Participant 10)

Some participants accepted that eligibility criteria were necessary to protect the interests of children who are adopted.

> I did not have a problem with the things that we've been asked to do. We can sort of understand why we get asked to do these things because the process is all centred on the interests of the child, which I completely agree with. (Participant 24)

> Adoptive parents are held to a higher standard in general and I tend to agree with that. We've got to be more aware of the psychological impact of the children – of our existing children at home, of our family, of our friends – It's not just, "oh yeah - let's pick up a kid". (Participant 1)

> There has to be some kind of safeguarding to ensure that children are handed over to people who really want them for the right reasons. (Participant 3)

> We did all the paperwork –hundreds of papers of paperwork. We could understand the reason for it. We could understand why they wanted to know everything that they asked. So we just did everything that they asked. (Participant 10)

> We'd rather know that people were being checked properly rather than slipping through the cracks. (Participant 4)

Some participants compared the Australian and American adoption processes, and described feeling assured that the process in Australia was done *"properly"* and *"fairly"*. They also suggested that the current policies safeguarded cultural sensitivities and needs.

> One of the really good things about doing it in Australia is that there's no question that it's done correctly. I'm very conscious of explaining to people that it's government to government under the Hague Convention. It's a legal process...It's not 'Madonna style'...or like some of these Christian organisations in America that are dealing with orphanages in [country name removed] where they're 'farming' children. (Participant 17)

> I'm really a strong believer that you need to assess appropriately and you need to go through a rigorous process. (Participant 8)

> The DHS only deal with countries in Hague convention. The process is heavily regulated and above board. You get the impression that it is a fair process (Participant 3)

> We are guaranteeing to the best of our ability that the child does not have family overseas, hasn't been stolen – all of those things. With our processes, you have a lot more assurances that the child is truly in need of being adopted. (Participant 11)

In terms of what we are embarking on, particularly when you are talking about another human being, removing them from their country and their culture, you certainly need to understand the implications of that and ensure that is something that you are fit to do… We are grateful that our process takes you down that path, and discusses a lot of those things. (Participant 25)

Supply and demand

Some participants suggested that the free market principle of 'supply and demand' explained current policies. They suggested that there are many more potential adoptive parents than there are children to adopt and this justifies having eligibility criteria for adoption – because there are more parents to choose from, the department is justified in choosing the *"best parents"*.

We all know there's a shortage of children and an oversupply of parents, so they might as well choose the best parents…If there were millions of children just hanging out to be adopted, the criteria would probably be loosened and the process would be quickened. (Participant 27)

The pool of children waiting to be adopted by Australian parents is quite small compared to the amount of people wanting to adopt. They have to set the bar higher to cull some people out of that process. I don't think that's fair but I don't know how else they're going to deal with the demand. (Participant 30)

With adoption, where there is a shortage of children – and there are more applicants than children – maybe making the bar high is justifiable. (Participant 31)

One participant said the current process of limiting the number of people on the waiting list was "*sensible*" and better than randomly selecting applicants.

In terms of the eligibility criteria, it would be cruel to approve lots of families and then just have it be like a lottery whether you get a placement or not. The way that the process is set up at the moment, they try not to have more families on the waiting list than they can reasonably expect to place children. So it's sensible. (Participant 18)

Health checks

Many participants agreed with the policy of requiring applicants to undergo health checks. They felt the policy of excluding people with life threatening illnesses was reasonable.

You can see why the health checks need to be done… obviously they need to make sure that you're reasonably healthy and that you're going to be able to care for a child. (Participant 4)

You would not want parents with a serious health issue – it is not something you should be upset about, it is for the child. A good friend of

mine had breast cancer and had surgery. Her child was completely distressed, beyond normal – thinking it was all his fault, and had to see the psychologist again. Of course he does not want to lose his mother a second time. They have all had bad things. For this, you have to be very careful. (Participant 6)

It's reasonable to exclude people with a life threatening illness or an illness that means that you are not going to be able to look after the child. (Participant 27)

The health checks are fine. I can understand why the allocating country would want the parents to be fit and healthy. (Participant 7)

Police checks

Many participants said that the policy of requiring police checks was justified. They felt it was appropriate that particular criminal offences should exclude people from adopting a child.

I'm fine about police checks. They're a basic check. They're no problem at all. It's just a form to fill in and sign. I would be concerned if police checks, or our form of police checks, weren't included because it's the most basic way to weave out people who shouldn't adopt. (Participant 10)

You have to make sure that people who are adopting are not paedophiles. (Participant 29)

Police checks are warranted– obviously the children's safety is paramount. (Participant 15)

Some people can lie beautifully. You really don't know. Police checks are fair enough – you're bringing a child into your house. (Participant 1)

Financial checks

Some participants agreed that the financial checks were needed to show that applicants had an adequate income.

You have to provide three years of tax returns. That is fair enough. You need to prove that you can support the child. (Participant 1)

Home visits

Similarly, many participants accepted the policy of home visits.

The home visits got on my nerves, but I understand that it has to be done. (Participant 6)

4.2.2 Negative comments about current policies

This section reports on comments critical of policies underlying the current application process. Some participants were critical of general aspects of the policy of assessing applicants. Others questioned the need for specific aspects of the process, for example health checks and home safety checks.

4.2.2.1 Comments critical of general policies

Level of scrutiny

Some participants questioned the distinction between biological and non-biological parenting and whether this distinction justifies current adoption policies.

> One thing that we find frustrating is anyone can go and have a natural birth – a child. It is a decision that you make privately. There is no external watchdog. (Participant 25)

The need to cull

Some participants suggested that the policy underlying the current process was one based on culling or redirecting applicants. It was suggested that the process was made intentionally difficult so that people would drop out of adoption and into foster or permanent care.

> The long time it takes is a process of weeding people out – like the money, the payments from early on. It's a process of weeding people out. If you're not prepared to be in it for the long haul, we don't want you. My assessment worker said that the Department was trying to push people into foster care and permanent care rather than adoption… If you want to form a family, fostering is not the way to do it – but that's what the Department wants us to do. (Participant 28)

Policies reflect an anti adoption culture

Participants described the current policies as anti-adoption and adversarial. Participants described current policies as treating applicants as *"guilty until proven innocent"*. Some felt that the aim of current policies was to *"find a fault"*.

> They were looking for reasons to say no to people. Because they have so many people on the waiting list, they're looking for reasons to say no. It's guilty until proven innocent. (Participant 28)

> You're guilty until proven innocent. That was the attitude. (Participant 8)

> There is this constant adversarial relationship between the department and anyone who applies. (Participant 34)

> You are unfit until you prove that you are fit… it doesn't need to be that you're not worthy until you've proven that you are. (Participant 15)

> The aim is to find a fault. I felt very judged. (Participant 21)

Some participants suggested that the anti-adoption culture in overseas adoption might be due to a view within the department that children should not be removed from their country of birth. Others suggested that the anti-adoption culture was due to departmental staff whose work experience included both child protection and adoption. Some male participants described being treated as "*the enemy*" and "*the predator*".

> The "process" is coming from a philosophy of "anti inter-country adoption", which is very apparent as time goes by. (Participant 23)

> There seems to be an anti adoption culture with the DHS. There is often a suspicion about people who want to adopt. (Participant 20)

> They work from the assumption that we are the enemy. You don't feel that they are on your side. They are trying to find ways to keep you out of the process. They are the protector and you are the predator. (Participant 31)

> There's a real anti adoption culture I think, even within the Department. It's like there's a great mistrust of your motivations and you know to start from that place, it's like you have to prove otherwise… maybe it comes from being connected with child protection, but you get this sense that something, somehow you've done something wrong before you've even started. (Participant 5)

> Most of the staff come from the child protection area. I hate walking in there, particularly as a man. They look at you as though you want to molest children. (Participant 34)

> The inter country adoption service comes from a culture of Department of Human Services and child protection… We were seen as if there must be something wrong with us that we want to adopt. (Participant 8)

> The Department appears to approach the whole thing like they're in child protection (Participant 15)

> They had all worked in Child Protection – so they brought Child Protection philosophy into adoption services. (Participant 28)

Some felt that the department's anti-adoption culture may be due to a fear of allegations of another "*stolen generation*".

> Australia has an anti-adoption culture, without a doubt – particularly inter country adoption. The bureaucracy fears another stolen generation scenario. But if you look around the world, there are millions of children in need of a family. (Participant 33)

> There seemed to be a backlash from the stolen generation – there seemed to be a real agenda within the department that adopting a child from another country was not in the best interests of the child… There were several people in the department who said that they did not believe

that this type of adoption was in the best interests of the child. (Participant 34)

The inter country adoptive report named an "anti adoption culture… long before that report, I thought they are carrying a culture of baggage, maybe with the stolen generation. (Participant 8)

Policies Assume Adoption is the "Last Resort"

Participants were critical of the "*one size fits all*" approach to assessment. For example, it was suggested that all applicants are treated as though applying to adopt was their "*last resort*" even though for several participants, adoption was their first choice.

For some reason, they got it in their heads that I had a phobia of childbirth, that I had some deep-seated psychological problem…They're so stuck with the notion that people adopt as a last resort rather than a first resort. We didn't fit into their square. They had issues with us but it may have been the people we were dealing at the time with who had these issues. It seemed to be their personal issue and not any policy of DHS. (Participant 24)

Adoption is viewed as a "last resort" parenting choice in the west and hence the bar is set "too high". (Participant 23)

Proving fitness to parent

Some participants talked about their long term infertility and their difficulties in conceiving 'naturally'. Many participants had also undergone several cycles of infertility treatment, without success. They said that the policy of requiring applicants to prove their capacity to parent perpetuates a *"sense of failure"*.

If you've not been able to conceive naturally, you feel you're a bit of a failure. Then you come against this system and it perpetuates that sense of failure. (Participant 9)

Some participants felt that the assessment process was more difficult for people who already had children.

The department treated us unfavourably because we already had children… In order to be successful with our application we had to prove that we were exceptional parents. (Participant 21)

Some participants described the current process as resembling a *"licensing of parenthood"*.

There's that sense of 'licensing of parenthood'. There's much more put upon you as adoptive parents or even potential adoptive parents. No one would dare put that onto biological parents – no one would say to a biological parent that one parent has to stay at home with that child for the first year of their life – there would be an outcry. (Participant 9)

Justification for Eligibility Criteria

Although most participants agreed with the policy of assessing eligibility, they questioned the level and type of scrutiny. They felt that most people who apply to adopt would be suitable parents.

> I think that the lengths that they go into are unreasonable. (Participant 5)

> They insist that adoption has to be one size fits all. I absolutely reject that anything about a family can ever be one size fits all. (Participant 18)

> The majority of people who apply would be suitable. Just because you can't do it naturally, that doesn't make you unfit. (Participant 9)

> People would scream and shout and be up in arms if you asked every potential parent to go through these steps. They do it because they can. There isn't any logical reason why someone who's applying for adoption and has a long history of fertility treatment, who's clearly genuinely interested in adopting a child for the purpose of starting a family, should have all these things done to them… If you were cynical about the whole thing, you'd say that they do all of these checks to cover themselves. So that if it goes wrong, they can say: "We did all the checks, we did all the assessment". Some of the things that they get us to do really don't tell them anything. They're just ticking the boxes that we've assessed these people. If they want my financial records, then that's perfectly fine by me, but I don't think that's necessary. The police check is a waste of time, but they have to judge us on something. They need some criteria. (Participant 19)

> There is a need to assess potential parents, but I don't think that they were actually assessing us – the assessment was more about doing a job, ticking the boxes…I think the current criteria are totally irrelevant – they have got nothing to do with parenting. (Participant 8)

Supply and demand

Participants noted the 'supply and demand' arguments that are frequently used to explain the long waiting lists for both local and overseas adoption. They questioned whether this argument was applicable to overseas adoption.

> It is often said that there are more adoptive parents than children available. That may be true for adopting locally from Australia but there are literally millions of children in need of families internationally. (Participant 1)

> There are long waiting lists, huge demand. The department's line is there are not enough orphans that are suitable for adoption. That is just not true. There are 100s of countries with millions of orphans who would be terrifically suitable. There has been no expansion, or any desire to expand. (Participant 34)

The Governor General's office is looking at other programs but they're very slow in doing so. (Participant 15)

Australia does not engage well with the countries that we have agreements with. We could work harder at that relationship. Perhaps some of these things could actually be resolved or talked through more effectively. An example is the recent closure and re-opening of the Ethiopian program. There seemed to be a breakdown in communication – Australia overreacted, shut down the program without really understanding. (Participant 20)

There has been a definite shrinking of the overseas adoption program over the past 5 years. (Participant 23)

We can't adopt from a lot of countries where there are a lot of children that need to be adopted from… They've got to make sure that these children really are orphaned or have been relinquished. They need to be sure there is nothing dodgy going on. But there are a lot of kids out there in need at the moment. The Australian government is doing some things – but really, really slowly (Participant 30)

There has been no significant move forward in terms of establishing new programs or extending current programs from our government in the last ten years. (Participant 33)

Lack of evidence
Several participants stated that the current policies were not evidence-based.

A lot of the department's attitudes are based on non-proven or non tested perceptions of attachment between mother and child or child and parents. I haven't seen any evidence to suggest that separation at birth has a lasting effect on the child. The evidence is anecdotal. For example, In Australia, the normal time for legalisation is twelve months. In the UK it's ten weeks. It's less than twelve months in the US. I would like an explanation but nobody will tell us – nobody has a reason why it's twelve months. Once again I don't see the evidence for this. (Participant 19)

They can afford to have criteria that may or may not be evidenced based. (Participant 27)

The rules seem based on the worst-case scenarios. (Participant 16)

They kept quoting these reports – one was written in 1962, the other in 1968. It was ridiculous. (Participant 34)

There's probably no good reason not to allow same sex couples. (Participant 27)

Transparency and consistency

Participants said that the assessment process lacked transparency, clarity, objectivity and consistency. They said that the personal views of the social worker had too much influence on the outcome of the process.

> The system is very inconsistent and unclear. It's not transparent at all. (Participant 26)

> The rules were a bit vague. (Participant 24)

> The current process puts too much power into the hands of individuals... The whole process is very subjective in terms of how they go about selecting or how they de-select people. There is too much power and too much subjectivity in the whole process… They need to get the subjectivity out of it and tell people the criteria upfront. (Participant 21)
> It depends who you get as your social worker – it doesn't seem consistent at all. The social worker can really make things really difficult for you or be nice. (Participant 5)

> The difference between some of my friends who were assessed and their social workers and my social worker was astounding. Pretty awful that other people had much more intrusive social workers and had different rules put on them than we did. (Participant 32)

> The department needs to be more transparent with their responsibilities. (Participant 2)

> There was an arbitrary nature about the process. It was based on things that were not transparent. The official stuff is transparent but there was always an underlying suspicion that other things were taken into account – such as our middle class lifestyle. If you had of been poor, I think your chances of adoption would be ziltch, but I could not prove that. (Participant 31)

Participants were surprised that the regulations for adoption were inconsistent and differed between states and territories.

> Adoption is run at the state level. I couldn't believe that it was not run at federal level. States have different agreements with different countries. I was blown away by the enormity of the administrative hash that it is. (Participant 9)

Many participants questioned why the criteria for eligibility to adopt were not made public. They said that they did not know the inclusion and exclusion criteria before commencing the application process.

> It would've been good to know before we started that we would have to wait longer because we already had biological children. (Participant 21)

As far as I know, there is nothing in the literature that says that we won't accept somebody who has a mental health issue that is controlled by medication. It's just not mentioned anywhere… the transparency is not there.   What are the actual criteria? There's nothing that says that you've got to be of an educational level or that you have to have this amount of money or not that health condition. That comes out during the process. But you don't know what criteria they're applying. (Participant 9)

We were given no information about the guidelines and policies. What happens if you don't own your own house? We were not given any information about the guidelines – it is a bit mysterious...At no point are you told anything about policies and guidelines that are being referenced when this assessment is being conducted. (Participant 23)

The more people you talk with, the more idea you get about the requirements – it would be nice to have that information up front. (Participant 25)

What is a pass?

Although many participants agreed with the principle of undertaking health, financial and police checks, they did not know what results would be acceptable and unacceptable. This caused anxiety about whether they would receive a "*pass*" or a "*fail*".

You don't know what is considered a pass or a fail. (Participant 25)

The concern I have is who or what will be the outcome of the decision if I do not have a "clear" police check and what is this policy based on? This is not revealed at any stage to applicants. Is it merely a warning for disclosure or is there a policy around the potential results? For instance, may I still be considered "fit" if I have shop lifted at the age of fifteen? They obviously have policies around that, but what are they? It all seems arbitrary… The test must be passed, but no one knows the standards of the test and no one knows what happens should you "fail". (Participant 23)

We weren't told what their health criteria are, or the financial criteria. They don't tell you. (Participant 27)

We were doing the financials, and we didn't know what was acceptable and what to put. As it turned out, we were quite within it. But it's an unnecessary worry. If the criteria were published then you could just tick that box. (Participant 10)

There is nothing prescriptive about the health check. There's no list of things for the doctor to check off. The GPs fly blind… they don't make the criteria public. (Participant 16)

Unfairly Discriminatory Criteria

Some participants suggested that the criteria might be discriminatory and speculated as to why all criteria were not publicly available.

> They specify that one parent – in this adoption agency the one parent means the female – will not take on full-time work for twelve months. There's nothing specifically written down about day care. There is nothing specifically forbidding part-time work. They have said verbally, and they won't put this in writing, that we can't put him in day care, we can't leave him in the care of anyone else and we can't work at all…They don't document this because I don't think they can legally require this from anyone… they simply say, twelve months, one size fits all. So whether you've attached at three months or twelve months is irrelevant. That's my take on why they have this sort of dogmatic twelve months at home with the child. (Participant 19)

> They do not make the criteria clear. They'll be hit with discriminatory claims if they make it very transparent that these are reasons that we don't accept people – that's just a sense that I have. Why else hide all those things? Also they did not put our rejection in writing. After we've put in a formal application, they phoned my husband to say that we were not accepted. It's a formal application that I've put in and there's been no formal closure to it. (Participant 9)

4.2.2.2 Comments about specific policies

Simultaneous applications

Participants disagreed with the policy that limits the number of adoption lists applicants can be on at the same time.

> You can't be in the local adoption system and the inter-country adoption system – to me that doesn't make sense. There's not the willingness or there's not the capacity to be able to put people into both systems and for those departments to work together. We wanted to explore local adoption and inter-country adoption. To be forced to make that choice so early on in a process that's taken us now four and a half years and we haven't got to the end of it, it's frustrating. The local adoption people are actually missing out – that the pool of people available for local adoption would be greater if inter-country adoption parents were able to be also be in that pool… We would have had to go through another process to be on the Culturally and Linguistically Diverse process (Participant 10)

Criteria

Participants questioned whether some of the criteria used to determine eligibility for adoption were relevant to parenting.

> The medicals were quite weird. It wasn't really necessarily connected with what might be important in terms of raising a child. Similarly the financial checks – I don't think that having a certain amount of money makes you a suitable parent. (Participant 4)

The situation that a family would be able to actually raise a child and they get knocked back because they can't afford the adoption is to me just really, really sad. (Participant 10)

I don't think money determines whether or not you are going to be a good parent. (Participant 25)

Policies that excluded people based on weight and sexual preference were also criticised, though it was acknowledged that these were often the overseas country's policy, not Australia's.

I take a bit of an issue with the weight requirements. They are over the top. [Overseas country] has very strict weight requirements – you have to be under a specific kilo weight. You can't parent if you are fat? (Participant 7)

I had to send in statutory declarations confirming that I was a heterosexual because I'm single. I don't approve of it, but it was [the country's] requirement not Australia's… But even if I was gay, it shouldn't be an issue. (Participant 1)

Reassessment

Policies required applicants to update their written questionnaire every two years. Participants suggested that repeating health, financial and police checks was excessive.

We'll be having our assessment done again… That will be the third time. We've got to have health checks done again, finances gone through again, we have to give them an update on our families, who's been born, who's died. It is over the top. (Participant 24)

I had to have a medical every other year. For a healthy person, it was unnecessary to have so many medicals. The health checks should be more streamlined – we had to have different ones for different countries – [Overseas country] needed a cholesterol check; [Overseas country] wanted a FBE. I understand that each country has its own requirements. But every year? Every time you get reassessed, you have to have another medical… It was ridiculous having an HIV test every time we were assessed. We were not high risk. (Participant 29)

Policies around Home Safety

Participants questioned the requirement to make their house safe years prior to being allocated a child. Some participants felt this requirement was insensitive to religious beliefs. In Judaism, for example, people are not allowed to prepare for a child.

I can't understand the department forcing you to make those changes to your house before you are approved for the adoption. You then have to wait five years until you receive a child. (Participant 16)

> We had to get safety locks on all the draws and then wait 4 years for a child. It is against my religion. In Judaism, you are not allowed to prepare for a child until they come. (Participant 29)

Post placement policies

Post placement visit

Participants questioned the policy of a home visit soon after placement. They felt that the social worker was assessing and judging, rather than supporting. Participants said that they would be reluctant to talk with the social worker about any difficulties during their post placement visit because they feared it might be reported. In some cases, their poor experiences during the assessment process made them reluctant to seek support from the department after allocation.

> The adoption process is about putting all the energy into selecting perfect parents. Then it is just expected that once they have matched the child with parents, that is the end of the story. By the time you have been treated so appallingly by the fact that they never follow through on time-lines, they have you hanging for months and months on end, you are interrogated and have to justify every element of your life – you are actually not going to go to them for support. They have blown a chance of having a relationship with you by the fact that they have put you through this gruelling process...The department would be the last place I would go to for support. They were not people who I had respect for – it wasn't just their lack of skills, it was the way they treated you. (Participant 31)

> The department talks about the fact that you get support after placement, but realistically nobody is going to ask the person who is assessing you: "I need support, I need help", because they're the person who is actually going to sign off. You can't have one person doing both assessment and support. It's very rare for anyone to say to their social worker "I'm having a really hard time". You just want to get through the assessment and get the adoption finalised. (Participant 4)

> There's no government funding for support after you've been to court. The moment you get allocated there is no support. The only support you get is another social worker visit...The pressure of the post placement visit is big. Having a child just arrive and then having another person looking at you and taking notes – it's just horrendous… It's not support – you're being assessed... This visit is very stressful because you are still finding your feet. You feel you're being judged by the way you are coping with having that child… you wouldn't dare tell your social worker about any difficulties. She may judge you as totally inadequate. You still have to wait another year before you get the stamp that you're an approved parent. (Participant 13)

> I would not disclose to the social worker that the child is not sleeping well. They have to write a report after every visit and I would not want to risk that being reported. (Participant 20)

Employment policy post placement

Participants said that some of the post placement policies around employment were unreasonable, for example policies that required one parent to stay out of the workforce for the first year after adopting a child.

> If they say we have to be home for 12 months, most of us will lose our jobs. We have mortgages and bills to pay – our lives go on. My husband and I had both planned to work part time – that was how we had structured our life. There was always going to be someone with the child. But the department did not like it. They wanted one of us full time. (Participant 29)

> I know lots of people who hide things from the department – who went straight back to work – people do deceptive stuff because they make unrealistic expectations. (Participant 31)

> There's a policy that you're not allowed work for twelve months after placement – but actually what it says is that you're not allowed to work full-time – you can work part-time but not full-time... So we went by what was written... When they found out, I had to quit my job (Participant 18)

Policy on school and childcare arrangements

Some participants did not agree with inter-country adoption policies prohibiting children from attending school for one year after arrival.

> Three months down the track, I decided that she was ready for school. She's ten. They say no school for a year – I can't keep a ten year old home for a year – she'll be so behind and she'll be so over me and bored. So we started going to school without the department knowing… I knew I wasn't supposed to do it, but I felt it was right for my child (Participant 14)

There was also an expectation that an adopted child would not attend childcare within the first year, though this was not documented.

> You're not supposed to put the child in childcare – but it doesn't say that (in any document). We went by what was written and he did go to childcare. When they found out, I had to quit my job and pull him out of childcare. We were in huge trouble. We had more frequent home visits, and a family assessment done by a psychologist who specialises in mother infant bonding. I was an absolute wreck for several weeks after this. I was convinced that their intention was to remove him from our family. (Participant 18)

Policy of naming children

Some participants who adopted children from overseas disagreed with the policy of requiring parents to use the child's birth name.

You can't change the child's name anymore – you have to use their birth name. We were also not allowed to put a birth notice in our local paper without getting it checked by the department – we were not allowed to mention his date of birth, country of origin or that he was adopted. We are also not allowed to publish a photo of him. These are silly little things that you just have to accept. (Participant 29)

Feedback, appeals and complaints

Participants said there were no mechanisms for making complaints or giving feedback. Several participants expressed concerns about the repercussions of making a complaint. They described a sense of *"fear to speak up"*, particularly when they were still being assessed.

There isn't an independent group where you can just speak your mind and not worry that it's going to get back… You're in a situation in which you feel you can't complain for fear that it will be negatively perceived and your file will be lost… We've never been asked for feedback. We would like to give lots of feedback. (Participant 19)

There is absolutely no recourse for a person who is seeking to adopt to make any comment, definitely no criticism. (Participant 28)

Everyone feels nervous about rocking the boat, especially when you're still being assessed. (Participant 4)

There is a fear of people being honest and speaking out about some of their frustrations or concerns for fear that that their file may end up at the bottom of the drawer. (Participant 20)

I never followed up because it felt like there was no use – there's that sense that you can't ask questions throughout. They have rejected us – I can't fight back on this. It's a power play in a way and you feel quite powerless through it. There's no encouragement to have a follow up appointment one-to-one to discuss their decision to reject us. (Participant 9)

I was really unhappy with the social worker's approach and her attitude. She was not up to date with the program. But once you're in the process, and you know how long the wait is, and you know time is ticking away on the age limit, the sense of upsetting anything and having a black mark against your name is too great to go in there and demand a different social worker. (Participant 3)

If I kick up a stink and say that I'm not happy because of this, then I'm going to get into trouble. Then they're going to have it in for me. I have images of my file accidentally-on-purpose falling into a bin and being forgotten about. I know people who desperately would love to get another social worker but are too scared in case that sets them back or ruins their chances altogether. (Participant 30)

> You feel very insecure. A lot of people become paranoid. There's a fear to speak up. There's a fear of big brother watching. They've said to that many people: "We know everything you post – we know everything you do – you talk to people and it gets straight back to us". It shouldn't be like that. Most of these people are really good people trying to adopt. (Participant 1)

> There is no one that we can go to and not fear that we're going to make matters worse for ourselves. We've been looking at whether we can get anyone from outside of the DHS involved in an official capacity. The answer is no. (Participant 18)

> We have never been invited to give feedback. I offered some feedback at one stage when we were going through our update process and they were throwing hurdles at us. The conversation went nowhere. (Participant 34)

Some participants spoke about the opportunity to give their opinions about overseas adoption during the 'Bishop enquiry'. However many felt disheartened that some recommendations from the 'Bishop report' have not been addressed.

> It is quite disheartening that nothing's really occurred from the Bronwyn Bishop enquiry. The only thing that's come out from the Department on their website or maybe the Attorney General's website is to show that what each department does and the cost from each state – the variations between states. It's quite disheartening to see that nothing's come out of that enquiry. (Participant 15)

> A lot of the stuff in the Bronwyn Bishop Report has not been addressed. The fear factor that she brilliantly identified, they just dismiss it and they say: "No it's not there". (Participant 1)

Part B: What could be done differently?

Participants were invited to share their ideas about how things might be improved or approached differently. They made suggestions about how the processes and policies could be changed.

4.3 Comments about changes or improvements to the process

This section is divided into two parts. The first part reports ways to improve the overall process. The second part focuses on specific steps in the process of applying to adopt.

4.3.1 General comments about improvements to overall process

Participants commented on general aspects of the adoption process that could be improved. They described ways to make the process less bureaucratic, faster, less repetitive and intrusive and more objective and evidence based. They also made suggestions about improving communication and dissemination of information.

Quality of service

Participants talked about ways to make adoption a more positive experience.

> It should be a thorough process but it can be done with much more humanity. (Participant 8)

> The department needs to provide better customer service. (Participant 22)

> The process should be more positive, more personable and less bureaucratic...What I would really like to see is a more of a positive process from the outset. Currently, you're confronted with barriers straight up. It's like there aren't enough children out there when we know there's all these children wanting homes. They should create a positive sense about meeting needs for people who seek a child and children who need homes. Make the process positive. There's a sense that they don't want to raise hopes, make it too positive because that raises false expectation and hope. (Participant 9)

> We would be keen if some changes could occur so other families don't have to go through what we went through. It took us quite a long time to recover. Many people can be traumatised by the experience of adopting. (Participant 8)

Some participants suggested that processes could better accommodate applicants who are from diverse cultures.

> People from diverse backgrounds may need a different kind of education, involvement and support during the assessment process. (Participant 23)

Participants said that more staff with clearly defined roles would improve the quality of the service.

> They need more staff and they need specific areas. When you're in the process for the first time, you have different needs because you ask a lot more questions about various things. So you need someone to look after first adoption, someone to look after second and third. You need someone else to provide counselling or support through the process because it's very long and drawn out. (Participant 2)

Participants suggested that more resources should be allocated to training social workers. One participant suggested that a male social worker might have made the home visit easier for him.

> If the Department was really serious about getting a good assessment of people, they would put resources into social workers. They would get high level social workers. They would train them better, they would pay them better, and they would support them better. (Participant 35)

> The DHS should make sure that their social workers are up to speed with information from the country that the parents are adopting from. That was a major issue for us. The social worker went to some lengths to give us the worst-case scenario – that scared us. Instead of explaining the norm – most children have mild attachment damage – only a few have extreme. (Participant 3)

> It would have been good if there had been a male social worker at some stage. (Participant 22)

Participants described ways to make the assessment process quicker in Victoria, and more in line with other Australian states and territories. They suggested less time between different steps.

> I can't see why it can't be substantially shorter. Some of the compulsory waiting periods from when you first turn up to the information evening and you are forced to wait 6 months before you are invited to the training days could be scrapped or made substantially shorter. I know some other states move people through a lot quicker. (Participant 11)

Communication

Participants suggested proforma letters could provide regular updates on an applicant's progress – as a way of keeping applicants in the loop. In addition, a proforma letter could be sent to applicants as a receipt for paperwork thus reducing anxiety around "*lost paperwork*".

> They could send you a proforma letter saying: "Thank you for your life story". They could tell you about the next stage of your process – for example, you'll be appointed a social worker, you're in a queue …Currently you don't get anything –you only get a tiny little receipt for the money that you've sent. They just could send a proforma letter – they don't have to do a personal one to everyone. (Participant 5)

> The process would be better if there were regular updates. To be clear where you are, and where you stand with country. (Participant 32)

> It would be nice to get just a little bit of feedback – at least you would know something's being done, you haven't been forgotten and they're thinking about you…it's always going to be a stressful process, but they could just do little things...If the Department rings or sends out a letter to everybody who is waiting to give them an update on how things are going... Even if there's just a standard letter that they mail merged and send out to everybody. At least you're getting something and you feel a little bit better… a lot of the time you don't know if you've fallen through the cracks. (Participant 30)

It was suggested that applicants would benefit from regular contact with an Overseas Liaison Officer.

It would be good to liaise with an inter-country person every few months. We would feel reassured that our file was not lost...Six monthly visits would reduce their workload because they wouldn't have scared people ringing. (Participant 5)

The Department has an Overseas Liaison Officer for the country of choice. They look after all the files going to that country. Every six months, they could have an evening for everyone who's in the queue for [specific country]. We can all come, and they can give us information – even if the information is that nothing's moved, there's nothing happening… I put it to (the department) about a year ago but it hasn't happened. I thought that would be easy for them – that it would be a way of them fielding enquiries and would help their workload. (Participant 5)

One participant suggested having a regular debrief for people on waiting lists.

They really should be having some 'Parents in Waiting' nights where you can all compare notes and feel like someone is supporting you. A lot of the parent support groups do that, but the Department should be doing something like that. Having a night where you can come in and just debrief about where you are in the process. But they don't care - they're too busy, overworked and understaffed. They wouldn't even think that that was something they should even consider. But they're meant to be providing a service. (Participant 2)

Information

Participants wanted access to information about realistic timelines and resources about adoption. They suggested putting this information on a website.

The processes and realistic timelines need to be better spelt out at the very start. (Participant 21)

You need more information about time-lines. If things slow down they need to be honest about this. (Participant 29)

Maybe they could give people a list of resources so they can go and read about adoption - about how important the culture is, about attachment issues etc. (Participant 30)

It would be great to have a really informative website with some rates and stats etc. (Participant 35)

There is an aspect of it in which people need to know the worst-case scenarios. But they could statistically tell you that these are rare cases. And explain what help is available if you are given a child who needs that sort of help. (Participant 3)

I think you should get all the information in one hit. Not in stages. (Participant 16)

Participants also suggested that the department should document information about the criteria. Information about the inclusion and exclusion criteria should be documented so that potential applicants have this information before commencing the application process.

> Why don't they work that out the criteria and give it to people upfront? So you don't end up two years into the process and find out you have to wait longer simply because you already have biological children. (Participant 21)

Positive stories about adoption

Participant wanted to see more positive stories about adoption in the media. They also thought there should be less emphasis on negative stories during information sessions and education.

> When you read about adoption in the newspapers, it is always about the difficulties – you never hear the good stories. Although it doesn't make good copy, most of the stories are happy. I would like more emphasis on the positive throughout the process – on the happy stories and not on the difficulties. Talking about how to cope with the difficulties makes people expect that there will be difficulties. And there will be anyway. If you don't want difficulties, don't have children. (Participant 6)

Education

Many participants felt that the aim of the assessment process should be to help adoptive parents to parent.

> How does the process actually help you be a parent? Because that's what it should be about. (Participant 4)

New criteria

One participant suggested new criteria could be used to assess eligibility for adoption.

> If you can assess people's emotional intelligence, that would be a pretty good way to tell. If people are aware of their own emotions and aware of other people... they're going to be a good parent. That's the bottom line – not how much money they earn or what their cholesterol level is. (Participant 35)

4.3.2. Improvements to the assessment process

Participants made suggestions for improving each step in the process.

Information night

Participants said that the information session should be done in smaller groups and in a more supportive manner.

> The information session could have been done in smaller groups where people are supported to work through some of the issues, more

> individualised. There are ways of doing "one size fits all" in a supportive manner but you need resources for that. There is a feeling that the government uses a minimalist organisation approach to adoption. (Participant 23)

Some said that they would have preferred a personalised one-on-one session rather than a group information session delivered to hundreds of potential applicants.

> I would have been happy to have an appointment to meet with them - an information session appointment - and then complete the form. It could be something that I feel would add to that process, to personalise it slightly and take away that de-personalisation (Participant 9)

Written applications

Participants suggested improving the quality of the written questionnaire. Some suggested an online application form would be better, and make it easier for updating details during the reassessment process.

> The application forms are very poorly worded. The formats are really bad, you can't do anything on line, you must do it all by hand, the questions are repetitive and there were typos. They need to bring it up into the 21st century… and they should be proof read correctly. (Participant 16)

> The paper work could be streamlined. No reason why you couldn't do applications on line. It would also make the process of re-approval easier – you could log in and see what you had last time, and up-date. (Participant 25)

Participants said that there should be one written application that applied to both adoption and permanent care. Applicants should be able to then tick a box on this form to indicate whether or not they would consider permanent care.

> Adoption and permanent care should be on the one application and sort of be a box that you tick – would you consider permanent care? Done with the same application and dealing with the same people… Currently, you're only allowed one bite of the pie. (Participant 9)

Participants wanted written explanations for the reasons for specific questions on the application form, for example questions about sexual relationship with partner.

> They could explain to people why they're asking. I understand why sex is important to a relationship. But a lot of people say: "Why do they need all this information. It's way too much." (Participant 35)

Police checks

Many participants questioned the need to have so many different police checks. They felt the process of obtaining police checks should be streamlined.

> I don't understand why we have to do it again… if all you had to do was sign to give them access to records from other parts of DHS, we would not have to do it again. (Participant 16)

> Police checks don't worry me – but it seems ridiculous that I have one for work, then another for adoption. You would think you could just say that I have had one in the past 12 months rather than redoing it. (Participant 29)

Financial checks

Participants suggested simplifying the financial information.

> They should be asked the question: "Are you in a financial position to have a child?" Obviously. I've just spent $20,000 on fertility treatment, so I'm committed to having a child. I wouldn't go into it without having some financial basis within which then to bring up the child. (Participant 19)

> The important thing is to be able to show that you have an element of stability. (Participant 25)

Education sessions

Participants thought it would be better if the waiting time for the education groups was reduced and suggested holding them more frequently. They also thought it would be better to have less participants in each group.

> It's about six to eight months to get into an education group. Do smaller groups more frequently. (Participant 1)

Content

Participants felt the education sessions could focus more on parenting.

> Education classes need to be more practical. (Participant 30)

> More should be done about parenting. It's crucial that there is more parenting education. (Participant 17)

Timing of education sessions

Some suggested that education sessions should be delivered earlier in the process. Others suggested holding education sessions after allocation.

> You need information before you can really reflect on whether you want to go ahead. You need the education sessions earlier in the process. (Participant 16)

> It was all done backwards. You don't need to have an education group until you've actually been assessed and accepted. You need a genuine education. After you've been allocated and received your child, you then need some support. The total reverse occurred. (Participant 8)

With the long wait between approval and allocation, participants suggested holding education 'refresher' classes close to the time when you pick up your children.

> I would like to see follow-up classes closer to the time when you pick up your children, particularly now when there is such an enormous gap. (Participant 7)

> The material that they covered in the education session we've perhaps forgotten by now. The education classes are the most important step in the process and there should be a refresher. (Participant 24)

> One of the things that could help would be a refresher education session. It would also be a way of keeping in the loop in terms of the whole process. I am sure there would be things that have changed in inter-country adoption during past 5 years. (Participant 25)

Home visits

Participants suggested that social workers use a checklist during their home visits to improve their objectivity.

> Maybe social workers should have some sort of checklist – just a standard set of questions they have to ask rather than everyone going off on different tangents. (Participant 1)

> Make sure that the social worker has proper checklists. Have you done this, that and the other? (Participant 2)

Participants also suggested ways to improve the way questions were asked during the home visit.

> [The social workers] can ask questions in a way that encourages and supports or shuts down and creates fear. (Participant 8)

Participants felt that it was unnecessary to have additional social worker visits if you changed country programs.

> Too many social worker visits. When we changed countries – you don't need more social worker visits. Silly. (Participant 29)

Home safety

Participants felt that written information about safety issues around the house was required.

> A smart social worker wouldn't demand safety locks on drawers four years before allocation of a child – they might check at the post placement visit. (Participant 29)

> During the education session, you should get notes on making your house safe – I think that's enough to give you the information. (Participant 5)

> A safety leaflet outlining things to be aware of would be more appropriate for intelligent people. People having children naturally don't have to undergo that type of thing. I thought it was a bit inappropriate. (Participant 3)

Post placement

Support

Participants felt that providing better support for parents after placement was one way to ensure the interests of the adopted child was protected. They felt that the social workers' role during the post placement visit should be supportive rather than judging. Several participants wanted information about health professionals with expertise in adoption issues. One participant suggested a checklist of things you need to know when your child first comes to live with you.

> The thing that they should be putting a lot more into is the post adoptive support staff...What could help the children and certainly help the families, and therefore help the children, is post placement support… if you want to look after children, then you look after the parents. (Participant 8)

> The relationship with the social worker needs to change after placement so that they post placement visits provide a supporting role rather than a judging role. (Participant 7)

> We need post placement service with better availability to health professionals and people with experience on adoption. That type of thing is still difficult to find. (Participant 7)

Some felt that the social worker visited too soon after placement. They felt that the social worker post placement visit should have occurred later.

> Instead of doing the post placement visit within two or three weeks, the social worker should wait a bit longer before visiting the house. (Participant 13)

4.4 Comments about changes or improvements to policies

Governance

There was disagreement about how adoption should be regulated. A few participants felt the adoption process would be administered more efficiently if it were managed by a non-government organisation. Others felt that adoption needed to be regulated by a government department. However, some did not think that the Department of Human Services was the most appropriate department to regulate adoption, particularly for overseas adoption. There were different views about which government department should administer adoption services.

> We need a change of legislation to clarify what it is that the department can and can't ask adoptive parents to do … one way to deal with it would be to have an independent body that oversees the process. (Participant 19)

> I'd privatise the Department… Ultimately it needs to be run by either adoptive parents or privately because they've just got no idea. (Participant 15)

> It should not be connected to the Department of Human Services. It should be a different department or possibly a not for profit organisation. It is inherently wrong coupling it with a department that runs the child protection system which removes children from families. (Participant 8)

> I am cautious because of the American example. Adoption needs to be heavily regulated. It needs to be a government department. My issue is that I don't believe that it should be child protection, DHS people. DHS people should be consulted because they can help to form the total picture. But it should be a different department – perhaps immigration or something of that nature to take it out of the social worker type hands. (Participant 34)

> It would be really useful for prospective adoptive parents if all matters relating to adoption were handled from the one department. (Participant 9)

> You should have administrators, social workers, cultural people, liaison people – and diplomatic people. A lot of this stuff is diplomatically sensitive. Information travelling from country to country – should be handled by department of foreign affairs or immigration. (Participant 34)

Some participants expressed concern about the dual role of the Department of Human Services in the governance of adoption, and suggested a separation of powers. They felt that the DHS should not *both* provide services to support people through the adoption process and also be responsible for removing children from adoptive parents.

> The adoption process runs entirely unchecked. The people who support adoptions are the same people in whose power it is to dissolve them. You cannot ever feel supported by an organisation that has openly acknowledged that they will remove a child from adoptive parents' care and not necessarily because it was clearly in the child's best interests. We were filled with horror and we still are. (Participant 18)

Expanding adoption

Some participants said that the Australian government should develop relationships with more countries that are signatories to the Hague Convention. They also suggested that Australia increase the number of orphanages within the countries from which we currently adopt.

> They should grow the program, rather than shrink it. (Participant 23)

> Even with the countries that we currently deal with, all we would need to do is to go and talk with a few more orphanages. (Participant 34)

> It would be nice if Australia found other countries to deal with, and more orphanages – which would mean more children coming into Victoria. (Participant 11)

> I know Australia will not work with certain countries. But within the countries we currently work with, there could be more agencies. (Participant 32)

Transparent, standardised evidence based policies

Participants suggested that there was a need for policies to be transparent and supported by evidence. Some participants also suggested processes should be standardised.

> There should be standardised rules but I don't know how easy it would be to standardise it. (Participant 30)

> It is extremely important to have the same rules for everyone. The process needs to be standardised and transparent. (Participant 32)

Additional criteria

Participant suggested additional training and support for those who adopt a child from overseas.

> The department needs to do more in terms of just making sure we are going to incorporate the child's culture. It takes a lot of time and effort to incorporate another culture into our family life… we have to be consciously doing that because it doesn't come naturally to us because it's not our culture. There's so much evidence out there that it can't do any harm to the child – it can only be beneficial. So part of the criteria for adoption should be that people understand that and are able to commit to doing that. (Participant 30)

> The government is morally remiss in accepting children into Australia, particularly children with special needs, and not providing support. (Participant 4)

Anti-intercountry adoption

One participant suggested that Australian government officials who believe that children should not be removed from their country of birth should visit an overseas orphanage.

> How can anyone sit here and judge and say: "No, you can't remove children from their country"? How can you say that when you see the conditions that these children grow up in? It is quite distressing when you think of it in those terms. (Participant 23)

Concurrent lists

Some participants suggested that it should be possible for people to apply to local, inter-country adoption and permanent care simultaneously.

> We should be able to be on all 3 lists concurrently, so we get whatever becomes available first. At the moment, we could wait years on one list and then find we were not successful and not on a waiting list for permanent care. (Participant 5)

Those who already have children

Some suggested that there should be different assessment processes for those applicants who already have children.

> Maybe about 30% of the process they don't need. (Participant 25)

It was also suggested that the policies for adopting babies should be different from those for older children.

> For children under one year, it's ridiculous to have all of these rules and regulations for what is akin to having a biological child. As long as you're aware of the consequences to the relinquishing parent, the child's cultural background, then the rest of it is a complete waste. (Participant 19)

Post placement policies

One participant suggested a need to relax some of the travel restrictions.

> You should be able to go on holiday – every time you go interstate you have to tell the department. We can't take him out of the state until he is legally adopted. An IVF kid would never have to go through this type of thing. (Participant 29)

Rationale for steps in the process

Participants suggested the department should explain the rationale for each part of the process.

> People would be comfortable going through most of the assessment process if you were clearer about the reasons – if you were clearer on what the next step was. If you were a bit clearer on the outcomes – clearer on statistics etc. If you had all that information and it was laid out in a better way. When you write your life story, what are they looking for? What are the criteria? When they assess those things, give us the criteria at the start. (Participant 35)

5 Discussion of findings

Our findings indicate general agreement that access to adoption should protect children's best interests and that some form of assessment of potential adoptive parents is appropriate and necessary. However, there was significant disagreement about the level of scrutiny required and the criteria used to ensure adoptive parents are 'fit' to parent.

While there were many positive experiences of the process of applying to adopt a child for both local and international adoption, there was significant critique of current policies and practices. In the interests of informing future policy and practice, our discussion focuses on these critiques.

As reported in our findings section, participants discussed at length their perceptions about the process of applying to adopt a child. We present a discussion of these findings in 7 broad categories. We suggest that participants' comments, concerns and reflections are captured in one or other of these categories.

1. **Adoption culture**
Attitudes towards adoption

2. **Information**: *What, when and how information is provided.*
Comments about the content, timing and method of communicating information

3. **Justification**: *Why this way?*
Speculation and discussions about reasons for policies and current practices

4. **Consistency**: "*It depends who you talk to*"
Concerns about variations and discrepancies in adherence to policy and practice

5. **Transparency**: *Are policies and processes documented and available?*
Comments and reflections about the clarity and openness of policies and practices

6. **Administration and management**: *How things are done*
Discussions about service delivery and the way in which information, data, resources and staff are managed

7. **On size does not fit all**
Observations about flexibility in current adoption policies and practices

5.1 Adoption culture

One of the recurring themes in our data was participants' perception that current policies are "*anti-adoption*"; that is, that adoption policies are underpinned by the ideological position that adoption is not in a child's best interest, or that people seeking to adopt may have selfish motives. It was suggested that DHS's dual role as the department responsible for both child protection and also adoption, has caused the departments' approach to adoption to be overly cautions, adversarial and sometimes punitive. Participants described being treating as *"guilty until proven innocent"*. There was also a perception that adoption is regarded within DHS as *'a last resort',* rather than as a parenting choice.

These findings are consistent with prior research suggesting that Australia's controversial and distressing past adoption practices have given rise to an anti-adoption culture. For example, Murphy et al. (2010) describe how the legacy of the 'forgotten' and 'stolen' generations has influenced current adoption policies.

These findings also echo those of the inquiry into adoption of children from overseas conducted by the House of Representatives Standing Committee on Family and Human Services, and chaired by Bronwyn Bishop ('Bishop Report', 2005). This inquiry found a general attitude of opposition to adoption in most Australian jurisdictions, ranging from indifference and lack of support, to hostility. According to Murphy et al. (2010), the Bishop Report represents a significant shift away from anti-adoption policies. This report recommended policy reform that acknowledges (1) that adoption is a legitimate way of forming or adding to a family; and (2) that adoption processes have considerably evolved for the better from a generation ago (Bishop Report, 2005). Interestingly, many of the participants' suggestions for improving practice and policies resonate with the 27 recommendations of the Bishop report.

5.2 Information

People applying to adopt a child require access to clear information about adoption policies and processes. They seek a range of information and have questions at different times throughout their application, depending on their circumstances. However, our findings suggest that information about adoption is provided by DHS at set times determined by DHS, and that the information provided (e.g. at information nights, education sessions) is not tailored to the needs of the audience. Some participants described the information at the education sessions as overly simplistic or patronising. Further, there was a lack of trust in the accuracy of some of information provided by DHS staff, and frustration in accessing information.

Our findings suggest that people applying to adopt would benefit if information was available on request, and not as currently happens, when the department makes it available or deems it appropriate. Our data indicates that long delays in responding to requests for information, and in answering questions, cause uncertainty and anxiety.

Participants suggested that DHS should document all information about adoption processes and policies on their website, including information about the inclusion and exclusion criteria and application steps and timelines. This would ensure transparency and allow all applicants access to consistent information, both before commencing the application process, and during the process. It would also enable applicants to obtain information at a time that best suited them, and appropriate to their stage in the process. Based on participants' comments, we also suggest that information packages for people applying to adopt should be developed by people with expertise in education, who could then adapt this information for the needs of diverse audiences. We note that an inter-governmental working group has recently developed a framework of nine core education and training units to assist with educating prospective adoptive parents (Inter-country Adoption Harmonisation Working Group 2010). The framework is currently being implemented in each State and Territory.

5.3 Justification

Many participants' comments about applying to adopt a child indicate a lack of clarity or conflicting views about policy and practice. Their responses and critiques suggest that the justification for some policies and processes is neither documented, nor available to applicants. For example, many participants were critical of specific assessment criteria, such as policies around applicants' health status, marital status, sexual preferences and financial situation. Concerns and questions were also raised about the invasive nature and number of home visits. One recurring complaint was the need for applicants to ensure that their home was 'child proof' many years (sometimes up to 5 years) before a child was placed with them. Another concern was that applicants were required to document intimate and personal information, often repeatedly, and asked probing questions about their sexual relationships. However, current adoption practices, such as the two we highlight, are not formally justified and documented or reviewed and updated.

Our findings suggest that there is a lack of rigorous research data and evidence to support current adoption practices. We speculate that some current adoption practices may be based on anecdotal accounts, unrepresentative experiences, or legacies from past practice. This is consistent with a recent review of the research evidence pertaining to current eligibility criteria, commissioned by the Bishop Report (Passmore et al. 2009). This review reports a dearth of adoption research and notes that little information (in particular data from Australian studies) is available about causal factors that may impact on adoption processes and outcomes (Passmore et al, 2009).

Further, a summary table published by the Harmonisation Working Group (2010) shows that many policies have little or no relation to current legislation. For example, legislation does not specify time required between first and second adoptions. The inter-country adoption policies state that there should be a minimum of two years between children. Further, legislation does not specify any eligibility criteria regarding infertility treatment. However, inter-country adoption policies require couples to cease all fertility treatment six months prior to their application being accepted. Another gap between legislation and policy concerns the requirement for one parent to remain at home for the first twelve months post placement. This

is a requirement of the DHS inter-country adoption service, although it is not specified in the legislation.

Our findings, suggest the need to provide a strong evidence-base for current practice and a process for reviewing, updating and reporting on the justification for current processes. Interestingly, again our findings echo the recommendations of the Bishop report, which called for

- More general, principle-based criteria in legislation;
- More robust, transparent and documented practices; and
- Standardised assessments across the jurisdictions.

The Bishop report further recommended that these 'harmonisations' should be developed in consultation with stakeholders such as adoption support groups, adopted children and adopted parents. In response to the Bishop report, an inter-governmental working group has been established to achieve best practice in international child adoption. The Bishop report also recommended a review of local adoption policies - our findings give significant weight to this recommendation. In addition, our research shows that the insights and suggestions from people who have been through the adoption process would make an important contribution to any review. We argue that insights from people who have been through the adoption process should inform policy development.

5.4 Consistency

Our findings indicate that people's experience of applying to adopt a child were significantly dependent on the staff involved in the process. Many participants summarised their experiences as either positive or negative depending on their interactions with different social workers and other staff members.

Participants described with frustration, inconsistencies and discrepancies in what they were told and what they were asked to do. Our data suggests that DHS staff sometimes provided conflicting advice. In addition, social workers (who were often not DHS staff) had different understandings, approaches and attitudes to applicants during the home visit. It was the perception of a number of participants that some decisions about applications were made on the basis of individual subjective opinions and without reference to guidelines. In a few cases, it was suggested that staffs' decisions reflected personal prejudices.

Applicants suggested that consistency in the process could be improved by decreased reliance on out-sourced staff (e.g. social workers) and improving staff training. In addition, our findings suggest that inconsistencies could be reduced if policies were less ambiguous, staff roles were clearly defined, and staff turnover was reduced. Consistency would also be improved if decision- making was peer reviewed, documented and evidence-based. Interestingly, as noted above, frameworks have been established to assist in developing core units for the education of potential adoptive parents. We suggest that frameworks could also be developed to educate social workers and staff. Educating staff with up-to-date research

findings, including data about participants' experiences, would promote consistency and effective communication.

In addition to internal inconsistencies, participants commented on a number of inconsistencies between states, namely the fee structures and eligibility criteria. These inconsistencies were addressed in detail by the Bishop report. The Bishop report recommended greater harmonisation of processes and procedures between jurisdictions. As a result of this report, the 'Inter-country Adoption Harmonisation Working Group was established. This working group consists of representatives from the Australian Government Attorney-General's Department and the relevant State and Territory authorities. Its aims are to harmonise inter-country adoption legislation, fees and administrative procedures, and to achieve best practice. Our finding shows that there is also a need to achieve consistency and best practice in local adoption.

5.5 Transparency

Some participants described the process of applying to adopt as '*a bit mysterious*' and *'like a test in which no one knows the standards of the test'*. According to our findings, participants were often not told the basis for assessment decisions and did not have information or guidelines about decision-making or policies. Our findings indicate a lack of transparency about how decisions about eligibility are made, the basis for policies and decisions and a perception that there is no recourse to question or appeal such decisions.

The adoption process would be more transparent if participants had information prior to commencement about how they would be assessed and on what basis. For example, participants suggested that doctors who undertake a health check do not appear to work from any guidelines. Further, our data suggests that it is not clear to either doctors or applicants what kinds of health issues are of concern, or would exclude them, nor the basis for such decisions. Similarly, in relation to police checks or financial status, participants had no information about what constitutes 'a pass' or why.

In all government departments, good practice encompasses good financial management and regulation, transparency, accountability, consistent practice and making decisions based on evidence. On the basis of our findings, we suggest that current adoption processes lack transparency and consistency, and therefore do not comply with government policies for good practice. In addition, while legislation provides an appeal process (Section 129A Adoption Act 1984, Ombudsman Act 1973), many participants perceived that attempts to question or appeal DHS decisions would jeopardise their application or their place in the waiting list. Good practice procedures require that governments department have clear and readily available grievance procedures and encourage feedback without prejudice. However, such grievance or feedback procedures are not readily available or invited through DHS and appear to be unknown or unused by adoption applicants. We suggest that transparency requires more open and two-way communication between applicants and departmental staff.

5.6 Administration and management

One of the recurring themes in our findings was the way in which the process of applying to adopt a child is managed and administered. Participants referred repeatedly to time delays, lack of resources, overly bureaucratic and repetitive processes. In addition, our findings illustrate several instances of mismanagement, for example lost documents, missing or misplaced files, long delays in communicating results or failure to confirm receipt of money or documents.

Our findings suggest that a shortage of government resources contributes to some inefficiency in the process and to significant time delays. However, our research also indicates that high staff turnover and the use of contract staff exacerbate problems. Participants complained that they '*never speak to the same person twice*' and that lack of continuity creates information gaps and delays.

We acknowledge that, arguably all administration processes can be improved with additional resources. However, as our findings show, applying to adopt a child is more than merely a bureaucratic process – for people applying to adopt, it is a profoundly emotional experience. Unnecessary delays and bureaucratic mistakes have a significant emotional impact on applicants, causing anxiety and stress. We suggest that there is room to ameliorate the experiences of people applying to adopt by reviewing the current administration and management. A first step in this review would be to create a process for receiving suggestions and acting on the experiences of people who have been, or are going through the process. For example, our participants suggested a number of timesaving and cost-cutting changes to current process – but, to date, no mechanism for contributing their ideas and suggestion exists. These suggestions include developing on-line education, permission to lodge multiple applications simultaneously, and streamlining assessments for people who already have children.

5.7 One size does not fit all

One of the key themes emerging from the data is that current adoption processes are inflexible and based on a generic 'one size fits all' approach. A number of participants criticised the process for making them go through steps that were not relevant to their situation, insensitive to their needs or disregarded their prior experience. For example, participants noted that education sessions are pitched at people with low education levels and for those who are first-time applicants or first-time parents. They suggested that information and education sessions needed to be tailored to the experiences of applicants and pointed out that people who had previously parented or been though adoption had different questions and concerns than first-time applicants. Similarly it was suggested that the role of social workers prior to placement should be different post placement. Our findings suggest that adoptive parents would benefit from parenting support from social workers post placement, rather than continued assessment.

Our findings suggest that many steps in the application process could be simplified or modified according to applicants' situation. For example many applicants were required to undergo and pay for additional 'police checks' despite having current and valid police checks for their jobs. Similarly the assessment process and home visits are the same for all applicants, despite the fact that many people applying to adopt already have children and have proven their 'fitness' to parent and to create a safe and child-friendly home.

Our data also suggests that it may not be in the best interest of *all* children to impose restrictions on children attending childcare or school, or to prevent their parents from working. Several applicants suggested that their children were bored at home and ready for interaction with other children, well before DHS policy deemed it acceptable. Participants questioned policies that prevented adoptive parent from working when all other Australian parents with young children are entitled and supported to return to work.

Each of these examples illustrates what appears to be an inflexible rule, rather than a policy based on protecting the best interest of children or respecting applicants. Understandably, a shortage of departmental resources might have given rise to generic approaches. However, we suggest that current adoption processes are a 'blunt instrument' and should be better targeted. We argue that targeting practice to the circumstances of particular applicants would actually reduce repetition, and wasting resources on unnecessary steps.

Current policies and processes for people applying to adopt are in effect a mechanism for 'sizing up' parents. However, parents come in many shapes and sizes. Our society accepts (even celebrates) diverse families, acknowledging that many factors contribute to happy, stable and supportive family life. We suggest that current adoption processes do not reflect this diversity. The range of people who can be approved to become adoptive parents does not reflect the range of people who are parents in community.

In the assessment of potential parents, adoptive parents must fit certain criteria; they cannot be too fat (or too thin), poor, gay, unemployed, uneducated or have a serious illness. There is no evidence to support many of the current eligibility criteria (Passmore et al. 2009) or policies that reflect a 'one size fits all' approach to parenthood.

PART C: Critical analysis of Eligibility Criteria

One of the aims of our research was to critically analyse the current eligibility criteria for adoption and the extent to which they are coherent and ethically justifiable. We addressed this aim, in part, by asking participants to reflect and comment on the justification that underpins the current adoption process. We presented participants with a number of statement or claims, based on our review of the literature. We believe that these claims summarise the possible reasons for the current system.

We acknowledge that the current adoption system has developed over a long period of time and reflects many social changes. Obviously there are many ways to understand and justify the current assessment process; the rationale may be complex and sometimes divergent. The following claims may not cover all possible rationale, but are intended to capture and summarise views that have been made both in the academic literature and in two recent government reports.

6.1 Responses to claims

We were interested in their responses to the following five claims.

1. *Some people say that adoptive parents have to be 'special'. What do you think? Do you think that adoptive parents need special skills? If so, what are these special skills?*
This statement reflects the idea sometimes put forward (by DHS[2], adoption agencies, adoptive parents, in the media) that parenting an adoptive child is different to raising a child born into the family. For example, in its brochure on adoption, DHS states that adoptive parents require particular skills or characteristics. *"...but when you're raising a child that wasn't born into your family, sometimes you need a little more energy, patience, compassion and understanding.[3]"* It follows then, that if adoption requires special or different skills or characteristics, then applicants should be assessed for these.

We were interested in whether people who have been through the adoption process agree that adoptive parenting requires special characteristics, in order to test one of the justifications commonly given- that the assessment procedure should include screening for these special requirements.

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[2] http://www.cyf.vic.gov.au/adoption-permanent-care/contacts-and-resources/infant-adoption-brochure

[3] DHS Adoption and permanent care - frequently asked questions available at http://www.dhs.vic.gov.au/for-individuals/children,-families-and-young-people/adoption-and-permanent-care/local-adoption/adoption-and-permanent-care-frequently-asked-questions accessed 3/11/2011

Participants did not agree that adoptive parents need to be special, but agreed that adoptive parents need to be aware of, and educated about, issues related to adoption.

> I don't think we're special. I don't think we're any different to anyone else wanting to have a family. What adoptive parents do need to have is the awareness of the issues that come with adoption. A child who is adopted has issues that a biological child and their parents wouldn't normally have to face. There's the feelings of rejection and abandonment and issues of bonding, the child wanting to know why, wanting to make a biological connection, a gap in their life. There's all of those things that an adoptive family needs to be aware of, but that's just a matter of learning or researching and attending your education session. It's not a matter of being special. (Participant 24)

> I don't know if it is special skills or special training. What are the special skills? I certainly think that you need education. And the attachment issue, you have to deal with it…I don't think anyone could go through the adoption process without really understanding how to manage the attachment issue. (Participant 3)

> Maybe special awareness. They don't need to be special, they just need to be educated and understand what they may need to provide for that child. (Participant 25)

> All parents should have special skills. Adoptive parents just need different skills… they need to have skills about keeping a connection with the child's culture when it's not your own culture. (Participant 28)

> It is not about being special. It is about being prepared and able to do the additional things that you need to do. Things like managing contact with birth families require skills; communication – nothing special but knowing how to manage talking with your child about adoption or their birth experience. To have the capacity to raise a child that is not like either of you. This stuff was not talked about in the education classes. (Participant 31)

2. *Some people have described the adoption eligibility criteria in Victoria as unfair, discriminatory and overly burdensome. What do you think?*

This statement paraphrases criticism of the current adoption process found in the literature and in two recent government reports (The Victorian Law Reform Commission 2007; House of Representatives Standing Committee on Family and Human Services 2005) These reports highlighted legal inconsistencies and describe some aspects of the adoption assessment process as subjective, discriminatory and lacking transparency. Similarly a number of scholars have argued that the current requirement for adoptive parents to be married or in de facto relationships discriminates against same sex couples and single people, and may not be in children best interests.

We explored participants' views on these assertions. We were interested to learn whether participants believed that they had experienced discriminatory or unfair treatment and whether they agreed that any of the eligibility criteria were unfair.

Participants questioned current policy that prohibits applicants from lodging multiple applications. They described this policy as unfair and causing unnecessary delays.

> We have to pull our file out of inter country adoption before we know if we're approved for permanent care or local adoption. When permanent care and local adoption might never ever happen, and inter country is looking like it's seven years, it's unfair that you can't be in all of those systems at once. (Participant 5)

Some participants suggested that the current eligibility criteria unfairly discriminated against lower socio-economic status and poor physical and mental health.

> We thought the financial criteria were unfair. I know a lot of people who would be wonderful parents who just don't have the money to fit the criteria for DHS. It doesn't mean that the children would not be very happy. (Participant 6)

> If we decided to go and have a biological child, no-one's going to check our health and finances and whether we're decent parents and all the rest of it. (Participant 24)

Some also suggested that adoption applicants were unfairly discriminated against on the basis of marital status and sexual preference.

> It is unfair that single and gay women can't adopt. If you meet the criteria, you meet it. (Participant 25)

> If someone clearly shows that they want to adopt, they have the means to adopt then, regardless of their sexual preferences, regardless of their financial status, they should be allowed into the system. Obviously if someone is living out on the street and doesn't have a home, then clearly you'd say: "No" – there has to be some logic. Currently it is too stringent. They are trying to build these perfect families. This may be simply to cover themselves. They're making the criteria really strict so that they don't have to worry about the consequences. (Participant 19)

However there was disagreement on the policy of same sex couples and single people adopting. Some participants suggested that single parenthood was not in a child's best interest. Some felt it was reasonable to exclude single people and same sex couples.

> If you end up adopting a child that ends up needing really special attention, to do that on your own would be terribly difficult. (Participant 3)

> Putting the child's needs first, it is reasonable to exclude singles and same sex. (Participant 11)

My son goes to a school where there's gay families, single parents, other inter country adopted kids. Name a different type of family and they're there. Nobody stands out. But in a small country town things are different. Being the only odd face or non-white face would be hard enough. If they had a single parent, if their parents were gay, how much harder would it be for that child? (Participant 30)

If anyone has to make a decision about where children should be, ideally I think they should have 2 parents. (Participant 31)

[With same sex adoption], the child would be missing something and with adopted children they've missed so much already. And they're already so different as well. Their family's already different and they already stand out. (Participant 10)

It was acknowledged that some inter-country adoption policies were based on the overseas countries criteria, and thereby outside Australian control.

They are discriminatory but they're set by the countries that we have the agreements with. (Participant 20)

In think it is definitely discriminatory. To some degree it has a right to be. And a lot of the discrimination comes from the other country. I think that is fair enough. (Participant 34)

Some participants described the post placement policy requiring one parent to remain at home as unfair and sexist.

It was unfair that I could not work for 12 months. It is unrealistic and it would not have been in the child's best interest. I know that I am a better parent when I am not a full time parent. It is about being the best parent. (Participant 31)

When you sign the paperwork you have to say that you'll be home for the first year and it is just one parent to sign and the assumption that it would be the woman. We had to actually cross all that out and say that between us we would be home and we both signed and they queried that. (Participant 4)

They are forcing people, especially women, out of work and that can be seen as discriminatory. There's not a rational basis for demanding that. They keep saying that the reason for these rules is to promote attachment and we keep saying: "Show us the evidence that a mother and a child have to be joined at the hip for attachment to happen". (Participant 19)

3. *Some people say that the overall process of assessment is overly intrusive? What do you think?*

This question reflects comments made in the literature and anecdotal accounts about the adoption assessment process. We were interested to hear first hand whether participants agreed with this claim.

As referred to earlier in this report, participants described specific aspect of the adoption process as intrusive. Some suggested that the level of intrusion into private lives was necessary and justified. Others described the intrusions as "*overzealous.*"

> I guess it has to be intrusive to a certain extent. But I did find elements of the process overly intrusive. Going all the way back to your own childhood. Doing your own family tree, and stuff like that. I thought: How is this relevant? It seemed overzealous. (Participant 3)

One participant who had experienced both IVF and adoption suggested that both were intrusive, but in different ways.

> Adoption is far more psychologically intrusive whereas IVF can be very physically intrusive (Participant 27)

4. *Some people have compared access to adoption with access to IVF, and suggest that adoption "sets the bar too high" – that it is too hard to adopt a child – or that more people should be allowed to adopt, for example lesbian couples or single people. What do you think?*

We are interested in the difficult question of what makes a parent and who society should allow to become a parent. The point of this question was to tease out the differences between ARTs and adoption that might justify the more stringent eligibility criteria for adoption. We were interested in what participants' views about the notion that adoptive parents require increased scrutiny because they are not biological related to the children they parent.

In considering this question, participants acknowledged that the bar for adoption was much higher than IVF. One participant suggested that the reasoning for this disparity was not clear.

> The type of questions asked would never be a criterion to qualify as a prospective biological parent. The bar seems to be set very high to be an adoptive parent without actually stating why this should be the case…There is no room (in the system) for the concept of personal parenting choice between IVF and adoption. They should be on par and resources should be allocated in a relative manner to assist families to succeed in which ever path they choose to follow. (Participant 23)

Interestingly, a 'supply and demand' argument was used to both justify and criticise this disparity. Some participants argued that adoption should be more difficult because there are many more applicants than children. Others pointed out that there are millions of children without parents, and therefore adoption should be easier.

> One would think that there are hardly any children available in the whole world, and that's not true. (Participant 2)

Some participants reasoned that adoption eligibility criteria are justifiably more stringent than those for IVF because relinquished children have a social, cultural and biological history.

> I don't see the bar as being too high. These are other people's children. They've been abandoned or given up. The bar has to be high to ensure that they're getting the best possible care. (Participant 30)

> You can't really compare. They are totally different things. You are talking about taking on the responsibility of a child that comes from another culture and a child that has had a life before you knew it, and taking on that and the responsibilities for those things. They are different. A biological child that you know from the moment it arrives is a little different. Adopted children all have different birth parents so you have a responsibility to those birth parents as well which does not come into play with regular IVF. With donor IVF it would be different. (Participant 7)

> If I was going through IVF and they said "we're going to come and do a home visit", I would have been horrified and I would have been up in arms. But for adoption I would accept it, but only because I know that's part of the process…the responsibility for the child is there already and they're wanting to protect themselves and cover all bases… they have more license to check out the environment that the child's coming into – to check it thoroughly – because we're dealing with a child that actually exists. (Participant 9)

Some participants argued in favour of minimal intrusion for those undertaking IVF. They attached significance to biological relatedness.

> IVF is effectively like having your own child. It's assisted but it's from two consenting people. (Participant 15)

> If it's your biological material, then there should be very minimal if any intrusion in the IVF area. If you have donor embryo or donor eggs or donor sperm, then the degree of intrusion should increase... if you have a donor embryo, it's like adoption at an earlier stage. You have other people involved in the process. The child you have isn't genetically yours so there's third, fourth, fifth parties involved. Just like in adoption – local adoption is open adoption, so that just changes the dynamics of the whole thing. Each level of complication may need slightly different rules. (Participant 27)

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A few participants described the disparity in terms the financial costs associated with IVF and adoption.

> There's a huge disparity in the costs – the costs for adoption are outrageous. (Participant 14)

5. *Some people say that we need all of these checks to protect vulnerable children. What do you think?*

It is often suggested that children who have become orphaned, have been relinquished or been abandoned are particularly vulnerable to harm. These harms include the losses associated with displacement from birth families and place of birth. In the case of inter-country adoption, concerns are also raised about the possibility of child trafficking and 'commodification of children'. We were interested to investigate participants' views about whether the current adoption policies are justified in the interests of protecting children from harm.

As with many of the issues addressed in this report, participants were divided on the question of whether the current system of assessing potential parents was warranted. Some participants suggested that all children need protection from harm, and that no additional checks were necessary in the case of adoption.

> They are no different to other children – would you check anyone else's? Many of the things come down to common sense – we have a barrier around the TV – not because he is adopted but because he is a 20 month old. We have a barrier at the stairs – not because he is adopted but because we don't want him climbing the stairs. We don't need someone to check it – we are sensible enough to do it ourselves. (Participant 29)

> All children are vulnerable and checks of this nature ensure some safety, but there is no safe guard against protecting the needs/ rights of children. Relevant education can assist. These can be done periodically and regularly. Even in schools, students can be taught certain things about protecting the rights of children. They do do that, but not necessarily about adopted children, and those from overseas. There are many ways to protect the rights of children. (Participant 22)

Some participants agreed that assessing parents was necessary to protect children interests.

> I agree completely (with the claim). We have to have the best interests of the children in the forefront at all times. (Participant 7)

> I agree with (the claim). Having all these checks in place prior to the child going to the parents ensures that the parents are going to look after nurture and love the child. It also ensures that the child is going to a stable environment. And once the child has been place with the parents, (the postplacement checks) ensures that the parents are supported and encouraged and given the appropriate frameworks of support. (Participant 11)

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It's worth checking because of children trafficking. (Participant 14)

One participant agreed with the need to assess potential parents but questioned the process.

I think (the claim) is a half truth... I think you definitely need good checks – the question is what are the right ones? (Participant 20)

Some participants suggested that the current system of assessing potential parents does not guarantee the protection of children.

With these checks, some people may not tell their social worker things because they feel that they are being policed. (Participant 23)

There are no guarantees. Only 3 post placement visits, and then that's it. Then legalisation happens and you have no contact other than send it regular reports back to the orphanage. I don't even know if they have received my reports – I have had no feedback… Given that the DHS provisionally have guardianship for the children until they are legalised, do they need to play an ongoing role – at least to check that you are sending in your reports. I don't know what value they would bring. I don't know how you could continue to check that they child is OK. Once a child is adopted, they are legally under your guardianship. You're just like everyone else. (Participant 3)

A criminal background and health check is important. It's reasonable to assume that there is some sort of emotional or psychological evaluation done to ascertain the suitability of the parent…There are lots of ways that you can do that and none of them necessarily have to be intrusive...The current system is overkill….there's so much duplication. (Participant 20)

The checks and all things that they do is way too much. It was over the top – especially with the second child. (Participant 13)

6.2 Discussion of claims

In Australia, laws concerning children are underpinned by the principle that all decisions and actions affecting children should prioritise children's best interests and protect their welfare. This principle is reiterated many times in policies governing adoption. Applicants are reminded that adoption is a privilege, not a right, and that the role of DHS is to support children rather than to support people who want to become parents. However, Australian society also respects and protects individual autonomy, particularly in decisions about parenting and families. This is evidenced by the diversity and celebration of pluralism in Australian society.

The regulation of adoption poses a tension between the need to ensure that children are protected and the obligation to respect individuals' choices about their lifestyle. A similar tension exists in decisions about access to Assisted Reproductive Technologies (ARTs). Despite the fact that Victoria has very extensive legislation governing ARTs, access to ARTs is based on a 'minimum threshold' standard. This entails that ARTs are readily available to all infertile people unless there is plausible evidence of a high risk of serious harm to future children. In contrast, access to adoption involves much more rigorous assessment of potential parents. It has been suggested that the eligibility criteria for adoption is based on a 'maximum threshold' standard (Bartholet 2006; Riggs 2006; Goldberg, Downing and Sauck 2007; Tobin and McNair 2009). This standard goes beyond minimising risk of harm to children – a maximum threshold standard attempts to select the best or 'optimal' outcomes. In effect, the maximum threshold standard distinguishes between 'good enough' outcomes and the best possible outcomes.

Our research sought to investigate whether current adoption eligibility criteria are ethically justifiable on either the minimum or maximum threshold standards. Our approach to this question included a comparison of access to ARTs with access to adoption. It has been suggested that the disparity between access to ARTs and adoption is not justified and that some adoption eligibility criteria are unfairly discriminatory (Bartholet 2006; Tobin and McNair 2009). Conversely, it has been suggested that access to ARTs should be more like adoption and should also include extensive assessment of potential parents (Widdows and MacCallum 2002). We were interested to hear participants' views and whether their experiences could add new insights to this debate.

The data suggest that many participants found the process of applying to adopt overly burdensome and some agreed that aspects of the assessment process were unfairly discriminatory. Our findings show that, while there was general agreement that some form of assessment is required to protect children, there was substantial disagreement on what factors should exclude or include potential adoptive parents.

Participants disagreed with the proposition that adoption requires 'special' parents. However, they believed that adoptive parents could face specific issues and needed awareness and education about these issues. This suggests that being an adoptive parent does not require any unusual or extraordinary parenting skills, and therefore does not require any special eligibility criteria.

Participants were critical of some eligibility criteria on the basis that they do no necessarily predict evidence of harm or poor parenting. Some participants reasoned that biological parents are not restricted from parenting on the basis of their financial or marital status, sexual preference, physical and mental health. They argued that it was therefore discriminatory to use these criteria to exclude applicants. This view has support in the academic literature on adoption.

A review of the eligibility criteria for inter-country adoption, commissioned by the Attorney General's Department, examined all available research literature on possible links between the outcomes for adopted children and the following variables:

- Expectations about adoption
- Motivations to adopt
- Parenting behaviour
- Adoptive parents' age
- Current relationships (including marital relationships, cohabitation, and social support)
- Physical and mental health of parents
- Concurrent fertility treatment
- Childhood experiences of parents
- Previous relationships
- Sibling experiences in the adoptive home
- Adoption by lesbians and gay men, and single parent adoption.

(Passmore et al. 2009, p4)

This review reports that few studies have investigated or identified a causal link between a particular parental variable and outcomes for adopted children. It concluded that:

> "With the exception of serious physical and mental health issues, which might be exacerbated by the stresses often associated with inter-country adoption, the outcomes based evidence gathered in this study identified very few criteria related to eligibility that were unambiguous sources of direct harms. A number of factors were identified that increased the likelihood of successful outcomes on a number of measures. None, however, were robust enough to be able to predict the fate of individual adoptees." (Passmore et al. 2009, p66)

Similarly, Passmore found none of the above eligibility criteria feature in research investigating the success of adoption in terms of 'adoption disruption'[4] (Passmore et al. 2009)

While there are no statistics available on the 'disruption rate' following adoption placements, there has been some research into the reasons for disruption (Wright 2009). Wright (2009) reports that the following factors are associated with adoption disruption:

- Older age of the child when placed for adoption (Sharma, McGue, and Benson 1995; Parker, Ridgeway, and Davies 1999)

- Child's adverse experiences in previous environments (Barth and Berry 1988; Howe 1997)

- The level of the child's behavioural difficulty (Quinton et al. 1998)

- Lack of an emotional link with the child (Sinclair and Wilson 2003).

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[4] This term is commonly used to refer to an adoption that ends before a formal adoption order is made. There are no centrally collated statistics for disruption rates in Australia.

These research findings concur with our participants' suggestions that adoption outcomes are linked with parents' ability to deal with issues that arise for their adopted child, rather than with any particular parenting criteria. We suggest therefore, that supporting and educating adoptive parents would increase the likelihood of success more than the current assessment process.

It has also been suggested that eligibility criteria have been used to reduce the number of possible applicants (Passmore et al. 2009 p70). Thus it could be argued that, even if there is no unambiguous evidence linking eligibility criteria with harm, eligibility criteria are useful in 'culling' the waiting lists where, as is currently the case in Australia, there are many more potential parents than available children. In our findings, some participants accept this argument and the inevitability of a market approach to supply and demand in which applicants compete with each other. However, we suggest that there is no ethical justification for arbitrarily excluding applicants simply based on high demand. We suggest that the use of eligibility criteria that have no clear association with adoption outcomes is in fact arbitrary and potentially unfairly discriminatory. Our position is coherent with the Attorney General's report which concludes that:

> Based on the literature, there are clear indicators that there ought to be less emphasis on excluding prospective adopters through regulation and more emphasis on including them in the adoption process through education and support. (Passmore et al. p69)

Interestingly, the Attorney General's report points out a paradox – that narrowing the range of exclusion criteria would make more applicants eligible and therefore increase the waiting lists. However, we suggest that the anxiety and feeling of discrimination associated with arbitrary exclusion are far outweighed by the stress associated with long waiting lists.

Our findings show that participants do not equate eligibility for ARTs and eligibility for adoption. They attach significance to the fact that adoption involves parenting an existing child, one that has a biological, cultural and social history. Participants suggested that what might differentiate adoptive parents, and predict the success of adoption, is parents' commitment to keeping their child's cultural heritage, their skills in raising a child that may not 'be like them', and their ability to manage the emotional and behavioral challenges that may come with raising an adopted child, particularly an older child.

We acknowledge that there is more to successful adoption than merely the absence of harm or 'non disruption', and that a minimal threshold approach might not include the skills, knowledge and attitudes necessary to make an adoptive family happy and successful. However these necessary requirements could be included or attained by supporting and educating potential adoptive parents. As our participants suggest, the process of applying to adopt could be ameliorated by working with, educating and supporting applicants rather than intrusive and exclusionary assessments. We reason that this approach to maximizing outcomes is more coherent and ethically justifiable than current attempt to select the 'best

parents' using assessment criteria. As suggested by Jordan, the best interest of children could be achieved by changing from assessment to assistance. (Passmore et al. 2009, p9).

> Education and support provide the opportunity for ethical engagement with the challenges of inter-country adoption. Sharing of knowledge to assist prospective adoptive parents to make informed choices, giving them power to grow in knowledge and understanding of the factors under their control that would increase the likelihood of successful family outcomes, allowing further education and support to be provided when circumstances change or as needs arise, building trust between adoption professionals and prospective adopters through shared accountability for attaining standards which meet the mutual needs and aspirations of all those concerned, seeing the process as one assistance, rather than assessment, aimed at the shared good of acting in the best interest of the child.

Our participants demonstrated a serious commitment to children's best interest. Their comments were made with compassion and concern for children welfare. However, many commented that the current approach to adoption treats applicants as if they were adversaries. Our findings suggest that there are many opportunities to improve the current system by listening to and working work with people who are applying to adopt a child.

7 Conclusion

The aim of our research was to investigate the first hand experiences of people applying to adopt a child in Victoria through either local or overseas adoption. While there has been extensive research on the history of adoption and the outcome for adopted children, our study is one of the first to report on the experience of adoption from the perspective of people who have applied to adopt. It is well known that applying to adopt a child can be a very long and emotionally difficult process. Australia has one of lowest rates of adoption in the developed world and adoption rates have declined significantly since the 1970s.

> Australia's per capita rate of adoptions from overseas is less than one third the
> rate of most first world economies (The Bishop Report, p15).

The Bishop Report attributes this low rate of overseas adoption, in part, to long wait times (ranging from two to eight years) and high cost (up to $40,000). In addition to the long wait and considerable cost, people who apply to adopt a child can expect considerable scrutiny and intrusion into their lives.

Recent government reports have reviewed and criticized current adoption policies and practices and have called for the need for both federal and state reviews (Victorian Law Reform Commission 2007; House of Representatives Standing Committee on Family and Human Services 2005). Similarly academic literature has addressed the discrepancies between adoption and other parenting choices and suggested that adoption procedures are overly burdensome, discriminatory and lacking a strong evidence base. We were interested to understand how applicants experience the current processes and to include their insights in the debate.

Many participants shared positive experiences and felt supported by adoption agencies and staff to achieve their goal of forming a family. However, there was significant criticism of current processes and policies. These critiques came from both successful and unsuccessful applicants. Interestingly, many of our findings echoed those of the inquiry into adoption of children from overseas chaired by Bronwyn Bishop (2005). Some participants remain disappointed that recommendations from the 'Bishop Report' have not been fully addressed.

For many people, adopting a child is an emotional process. However our study shows that applicants experience the process as one focused almost exclusively on administrative tasks and bureaucratic requirements. This mismatch between applicants' emotional experiences and the department's bureaucratic processes can create tension and anxiety. In addition, our findings suggest an ongoing anti-adoption culture within the DHS, despite suggestions of a recent re-emergence of pro-adoption policies (Murphy et al. 2010). Some participants attribute the anti-adoption culture to the DHS's dual role in both child protection and also adoption, and were concerned about the ongoing legacy of past adoption practices. Our findings indicate that many applicants experience the process of applying to adopt as adversarial.

A number of recurring themes emerged from our data. Our findings show that current policies and practices are not transparent, consistent or evidence based. We suggest that many of the current processes and policies should be reviewed and updated. Many participants agree that some of the current exclusion criteria and assessment processes and overly intrusive and unfairly discriminatory.

We suggest that documenting and justifying policies, and making these available to applicants, would improve the experiences of people applying to adopt. We acknowledge that while overseas countries often set eligibility criteria, rigorous research is needed to review, update and challenge adoption policies and practice. We suggest that this research should include all key stakeholders, including people who apply to adopt a child.

Our research suggests that successful adoption outcomes could be achieved by providing better support and education to applicants, especially post placement. We concur with suggestions that assisting, supporting and working with adoptive parents is more effective in promoting children's welfare than assessing applicants through exclusion criteria.

Our findings suggest that participants' experiences of applying to adopt are sometimes dependent on their relationships with social workers, and social workers' skills, knowledge and attitudes. We suggest that the department train social workers to ensure more consistency across services and jurisdictions. Although core curricula for parents considering adoption (Nationally Consistent Core Curriculum) have recently been developed, no such training has been developed for social workers or departmental staff.

One of our key findings is current adoption processes are based on a generic 'one size fits all' approach. Our findings suggest that many of the steps in the application process could be simplified or modified according to applicants' situation. We argue that targeting processes to the circumstances of particular applicants would reduce unnecessary repetition, costs, time delays and applicants' anxiety.

Finally, our findings show that people applying to adopt have many important and useful insights that could make significant contributions to adoption policy and practice. However, there is currently no mechanism for applicants to contribute their views, suggestions or feedback. We recommend that the department establish processes for feedback, complaints and grievances. We suggest that an independent review panel would ensure that applicants could access these processes without fear of prejudicing their application. Other recommendations arising from our research include:

- Up-to-date information about adoption policies and processes should be readily available to applicants

- Information and education of potential adoptive parents should be tailored to the needs of applicants

- Adoption policies and process should be transparent, consistent, flexible and supported by evidence

- Adoption polices and processes should be regularly reviewed and up-dated

- Social workers and departmental staff should receive ongoing education and training in adoption

- Adoption policies and practice should be informed by research and key stakeholders, including people who have applied to adopt a child

- Adoption should be administered by an organisation with an ideological commitment to adoption

The desire to raise a child is a profoundly human experience as is a child's need to be raised by loving and supportive adults. A joint report from the US Agency for International Development (USAIDS) and UNICEF (2002) estimated that, in 2010, 106 million children under the age of 15 will have lost one or both parents. However the waiting lists in Australia for overseas adoption are up to 8 years. We suggest that both the number of children who need parents, and the number of parents who want children, could be reduced. Our final recommendation is that Australia review its current approaches to overseas adoption to achieve this goal.

People who long to be parents and are prepared to endure the current process deserve, at the very least, good reasons for denying them this opportunity.

Appendix 1: References

Adoption Act 1984 (Vic)

Barth R and Berry M 1988 Adoption and disruption: Rates, risks and responses. New York: Aldine de Gruyter

Bartholet E 2006 Cultural stereotypes can and do die: it's time to move on with transracial adoption *Journal of American Academy of Psychiatry and Law* 34 (3): 315-320

Bartholet E 1999 Reporting on child welfare and adoption policies *Niemen Reports* 74-75

Bartholet E 1993 *Family Bonds* Beacon Press, Boston

Coady M 2002 Families and future children: the role of rights and interests in determining ethical policy for regulating families *Journal of Law and Medicine* 9 (4): 449-456

Dillard C 2008-2009 Child welfare and future persons *Georgia Law Review* 43: 367-445

Fuscaldo G and Russell S 2010a "Potential parents put through wringer in attempt to adopt a child" *The Age* November 4th

Fuscaldo G and Russell S 2010b "Being a mother is about more than biology" *The National Times* May 9th

Fuscaldo G and Russell S 2008 "Definition of family: mum, dad, two kids? Not any More" *The Age* October 14th,

Fuscaldo. G and Russell. S. 2007 "The politics of test-tube parenthood" *The Age*

Fuscaldo. G and Russell. S. 2007 "The gift of life can be the reward for donated embryos" *The Age*

Fuscaldo. G. and Russell. S. 2007 "Mother of all myths that only mums mother" *The Australian*

Goldberg A, Downing J and Sauck C 2007 Choices, challenges and tensions: perspectives of lesbian prospective adoptive parents *Adoption Quarterly* 10 (2): 33-63

Higgins D 2010 Impact of past adoption practices: Summary of key issues from Australian research. A report to the Australian Government Department of Families, Housing, Community Services and Indigenous Affairs *Australian Institute of Family Studies*

House of Representatives Standing Committee on Family and Human Services 2005 *Overseas adoption in Australia: Report on the inquiry into adoption of children from overseas* The Parliament of the Commonwealth of Australia

Howe D 1997 Parent-reported problems in 211 adopted children: Some risk and protective factors. *Journal of Child Psychology & Psychiatry* 38: 401-12.

Human Fertilisation and Embryology Authority 2005 Tomorrow's children: report of the policy review of welfare of the child assessments in licensed assisted conception clinics Human Fertilisation and Embryology Authority

Intercountry Adoption Harmonisation Working Group (2010) Nationally consistent core curriculum for parents considering intercountry adoption (ICA) The Parliament of the Commonwealth of Australia

Jackson E 2002 Conception and the welfare principle *The modern law review* 65 176-203

Murphy K, Quartly M and Cuthbert D 2010 "In the best interests of the child": Mapping the (re)emergence of pro-adoption policies in contemporary Australia *Australian Journal of Politics and History* 55(2) 201-218

Parker R, Ridgeway J, and C. Davies (eds.) 1999 Adoption now: Messages from research. Chichester, UK: Wiley.

Passmore N, Feeney J and Jordan T 2009 Eligibility Criteria for Inter-country Adoption and Outcomes for Adoptees: A Review of the Research Evidence and Ethical Considerations *Final Report* Inter-country Adoption Branch, Attorney-General's Department, Commonwealth of Australia

Quinton D, Rushton A, Dance C and Mayes D1998. Joining new families: A study of adoption and fostering in middle childhood. Chichester, UK: John Wiley and Sons.

Riggs D 2006 Developmentalism and the rhetoric of best interests of the child: challenging hereonormative constructions of families and parenting in foster care *Journal of GLBT Family Studies* 2 (2): 57-71

Ross L, Epstein R, Goldfinger C, Steele L, Anderson S and Strike C 2008 Lesbian and queer mothers navigating the adoption system: the impacts on mental health *Health Sociology Review* 17 (3): 254-266

Sharma, A, McGue M, and Benson P 1995 The emotional and behavioural adjustment of United States adopted adolescents: Part 2 age at adoption. *Children and Youth Services Review* 18(1/2): 101-14.

Sinclair I and Wilson K 2003 Matches and mismatches: The contribution of carers and children to the success of foster placements *British Journal of Social Work* 33: 871-84.

Solberg B 2009 Getting beyond the welfare of the child in assisted reproduction *Journal of Medical Ethics* 35: 373-376

Storrow R 2006-2007 The bioethics of prospective parenthood: in pursuit of the proper standard for gatekeeping infertility clinics *Cardozo Law Review* 28 (5): 2283-2320

Tobin J and McNair R 2009 Public international law and the regulation of private spaces: does the convention on the rights of the child impose an obligation on states to allow gay and lesbian couples to adopt? *International Journal of Law, Policy and the Family* 23: 110-131

US Agency for International Development (USAIDS) and UNICEF, "Children on the Brink 2002: A Joint Report on Orphan Estimates and Program Strategies." Available at www.usaid.gov/our_work/global_health/aids/Publications/docs/childrenbrink.pdf accessed 3/11/2011

Victorian Law Reform Commission 2007 *Assisted Reproductive technology and adoption Final Report*

Widdows H and MacCallum F 2002 'Disparities in parenting criteria: an explanation of the issues, focusing on adoption and embryo donation. *Journal of Medical Ethics* 28:139-142

Wright K 2009 'Adoption Success': The Reality of Adoptive Placements Today *Practice* 21 (2): 119-125

Appendix 2: Interview schedule

Background Information

1. Gender

   ❑ Male

   ❑ Female

2. Type of adoption service

   ❑ Local

   ❑ Inter-country

Interview Schedule

3. Tell us about your experiences of trying to adopt. Did you complete the process?

4. Explain some of the steps you went through in applying to adopt and how you felt about these.

Interviewer prompts:

a. Did you complete any written applications? What did you think of these — was this straightforward? Complicated?

b. Did you go through a personal interview? What sort of things were you asked about? What did you think about the questions that you were asked?

c. Have you experienced a home visit? What were your experiences of this? Some people have described home visits as intrusive. What do you think? Are they necessary?

d. Have you experienced a financial assessment? What did this entail? What are your views about the need for financial assessment of adoptive parents? Did you think that they were necessary?

e. Have you experienced a police check? What are your views about this check?

5. What do you think about the policy regarding fertility treatments whilst seeking adoption?

6. Do you think people who already have children should be treated differently to other people who are applying to adopt?

7. Some people say that adoptive parents have to be 'special'. What do you think? Do you think that adoptive parents need special skills? If so, what are these special skills?

8. Some people have described the adoption eligibility criteria in Victoria as unfair, discriminatory and overly burdensome. What do you think?

9. Some people say that the overall process of assessment is overly intrusive? What do you think?

10. In your view, how should people be assessed for their fitness to adopt a child?

11. Some people have compared access to adoption with access to IVF, and suggest that adoption "sets the bar too high" – that it is too hard to adopt a child – or that more people should be allowed to adopt , for example lesbian couples or single people. What do you think?

12. Some people say that we need all of these checks before allowing to adopt to protect vulnerable children. What do you think?

13. Overall what do you think were the positive and negative aspects of the adoption assessment process?

14. How can we best protect the interests of children who are adopted?

15. Do you think things should be done differently?

16. Do you have any other comments you would like to make about eligibility criteria or the process of being assessed for adoption?

Appendix 3: Opinion Piece

Potential parents put through wringer in attempt to adopt a child

November 4, 2010

Next week is National Adoption Awareness week. So in the interest of raising awareness, let's try a quiz. It's called Spot the Moral Difference. Imagine that two Victorian women, Kimberley and Adele, want to be mothers. They are 45 years old, unmarried and infertile. Both have criminal records for non-violent crimes. In fact, Kimberley is a real person - Kimberley Castles, who is currently serving a prison sentence for welfare fraud. While in prison, she applied to undergo infertility treatment. Let's say the woman we're calling Adele applied to adopt a child.

Kimberley had to fight for it, but in July the Victorian Supreme Court ruled that she suffered from a legitimate medical condition and should be allowed access to IVF. But Adele could not even get to first base. Her age, marital status and criminal record made her ineligible to adopt.

So what is the morally relevant difference that allows Kimberley to be a mother but not Adele? Let's look at some possibilities.

Maybe adoptive parents need to be different to other parents. Maybe the government needs to choose special people to adopt because of their guardianship role. But the law doesn't see much difference. Both IVF and adoption legislation state that the welfare and interests of the child concerned is paramount. Both pieces of legislation tell us that decisions about who can be a parent must be based on what is good for the child.

Why then are the selection criteria for adoption so much stricter than for IVF? Why is it that people who apply to adopt a child must share their life stories, answer personal questions about their sex lives, confirm their heterosexuality, have their finances scrutinised and their homes checked by a social worker?

If Kimberley is potentially fit to be a parent, why isn't Adele?

Perhaps the difference is that Adele would be raising "someone else's" child - a child with a history, with needs and interests that already exist. It makes sense to try to "match" children with adoptive parents. But can the needs and interests of an adopted child be so different to those of Kimberley's IVF baby? Doesn't every child need a loving home, security, healthcare, education and a sense of belonging? And if the choice is between life in an orphanage and life at home with an older single mother, surely most "Adeles" would be good enough parents.

A third possibility is that the difference between adoptive parents and IVF parents is biology. Maybe we think that IVF parents are naturally better parents because they have biological connections to their children.

Unfortunately, there are many tragic examples of biological parents failing to do their job. Clearly, biology does not guarantee good parenting. So the simple fact that Adele would not be genetically related to an adopted child does not necessarily make her less capable of parenting. Biology does not explain the difference in the way we treat IVF and adoption.

So maybe the difference between access to IVF and adoption is simply a matter of supply and demand. There are many more potential adoptive parents than there are children to adopt, and the waiting lists are very long. Maybe we can justify stricter criteria for adoption because there are more parents to choose from, and we can choose the "best" possible parents. But here is the tricky bit - what makes someone "the best possible parent"? Is it really possible to distinguish between "the best possible parent" and "a good enough parent"?

Everyone who applies for IVF is assumed to be "a good enough parent" unless there is evidence to the contrary. For adoption, the bar is set much higher and applicants have to provide evidence that they will be good parents. In our research with people who have been through the adoption process, some described the assessment as "like a criminal investigation".

The criteria for both IVF and adoption should be transparent, evidence-based and morally justifiable. Kimberley Castles had a chance to argue her case before an independent panel and then in the Supreme Court. By contrast, people who are denied access to adoption have no recourse to appeal. Many adoptive parents in our study believed that any attempt to even question the process would prejudice their application and jeopardise their chances. Many described feeling like they were put through a wringer and being made to jump through hoops. Potential adoptive parents deserve the same respect and consideration as anyone else who believes that raising children is a profoundly human part of life.

There may be some people who think that neither Kimberley nor Adele should be allowed to parent. But do we really want to deny people the opportunity to parent simply because there are "better" people to choose from? Good parents come in many varieties - old, young, gay, straight, married, single, healthy and ill. If "only the best will do", then many of us would never have been allowed to be parents.

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