

Foreword
to
The Stork Market
America's Multi-Billion Dollar Unregulated Adoption Industry

By

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What is wrong with adoption in the United States? According to this new book by Mirah Riben – a great deal. Mirah has exposed the horror story that is adoption policy and practice in the United States in the 21st century. It requires a strong constitution to read this book as its contents are truly shocking. I have been appalled to read about how adoption in the United States at the present time is riddled with exploitation, deceit and denial. Greed and consumerism masquerade as altruism, as parents and children are drawn into a quicksand of legal and illegal adoption. Mirah is to be congratulated for exposing the tragic outcomes for children, who are being failed by a government which allows this situation to exist and turns a blind eye. The appalling injustices that are taking place in the field of adoption in the United States have finally been exposed.

This book has highlighted for me the ways in which adoption policy and practice in the United States differ from the system which exists in Australia. It will also, I am sure, be an eye-opener not only for many Americans but for other readers around the world. There are many changes which would improve the situation in the United States, but what is needed more than anything is a major shift in attitude. Children should not be treated as a commodity to be exchanged arbitrarily. They have rights which must be protected by law. Because children are vulnerable, the policies which provide care and protection for them must be honest, ethical and truly child-centred. If adoption exists, it should be about finding homes for children who are unable to live with their families, after all efforts have been made to keep the family together. Adoption is an extreme form of family disruption, as it involves not only physical but also legal separation from one's family of origin.

In Australia, important changes have already taken place. Each state and territory in Australia has its own adoption legislation. However, they have all followed a similar pattern over the years.

In 1982 in Adelaide, South Australia, a conference was organised by the National Council for the Single Mother and Her Child. Many mothers who had lost children through adoption attended this conference and subsequently formed support organisations for themselves. As a result of pressure from adoption support groups, adopted people in Australia first gained access to their original birth certificates in the state of Victoria in 1984.

After this took place, adoption support groups in South Australia worked together to persuade the government to change adoption legislation there. With the passing of the *Adoption Act 1988*, South Australia became the first state in Australia to grant equal rights to access identifying information to adults who were adopted as children and to their mothers (and, in certain circumstances, other family members). It will be interesting to see which of the American states will be enlightened enough to be the first to introduce similar legislation. All other states and territories in Australia have since followed the example of South Australia, except Victoria, where the *Adoption Act 1984* is still in effect. With the passing of the *Adoption Act 1988* in South Australia, it was clear that the government acknowledged that mothers and children who had experienced adoption separation could benefit from having access to information about each other.

Steps were then taken to re-examine whether or not adoption was, in fact, an appropriate outcome for families in difficulties. With the passing of the *Children's Protection Act 1993*,

the South Australian government made it clear that they were willing to put resources into family preservation and into creating alternative options for children at risk, which would be genuinely child-centred. Since that time, much progress has been made in this area and numbers of adoptions in South Australia have reduced steadily.

In 1971, in the whole of Australia (the population at that time was close to 12,000,000), there were approximately 10,000 adoptions. The bulk of those were adoptions of locally-born children by non-relatives ie people who were previously unknown to the child. Such adoptions are now known as 'local adoptions'. In 2005 (by which time the population had increased to almost 20,000,000) there were only sixty-five local adoptions in Australia.

In the state of South Australia (population approximately 1,500,000) there were almost 1,000 local adoptions in 1971. By 1993, when the *Children's Protection Act* was passed, this figure had dropped to only twenty-two. In 2005, only two Australian-born children were adopted in South Australia. Those two children were adopted only after all efforts to support their mothers to raise them had failed. It is likely that in the near future there will no longer be any adoptions of Australian-born children in South Australia. This trend is evident throughout the country.

Expectant mothers in Australia, regardless of their circumstances, are generally encouraged and supported to prepare for raising their children. After the birth, a Parenting Payment is available from the Federal Government to any parent who is a permanent resident of Australia and who has custody of their child, regardless of their gender or marital status. This payment, which is means-tested, has been available since 1973 and is a recognition by the Australian government that children are the basis of a country's future. The government, therefore, makes financial support available to parents to assist them to provide for their children.

In the United States there are two ways in which a child can be transferred from one family to another through the legal process of adoption. Children who are deemed to be unsafe living within their families may be removed under child protection legislation and may then be adopted without the consent of their parents. Tragically, these children, who may have already suffered while living with their families, are being traumatised further by having their identity legally altered through adoption. Such fabrication produces a state of insecurity and confusion in children, as it replaces the reality of who they are with the fiction of who they must pretend to be. After adoption they are no longer legally related to their siblings, grandparents and other family members with whom they may well have already formed close relationships. Sadly, these important relationships are often severed after adoption. Children in Australia who are removed from their families under child protection legislation, on the other hand, are cared for under guardianship or permanent care orders. Unlike adoption, these are not based on deceit and fabrication and do not involve a permanent legal separation of a child from his or her family. The consent of parents (usually the mother and sometimes also the father) to adoption has always been necessary in South Australia.

Readers of this book will also learn that there is an alarming number of adoptions taking place in the United States with the consent of the parents (usually the mother). I am astounded that so many American women are apparently able to be persuaded that it is in the best interests of their children to be separated from their families and raised by strangers. This is in stark contrast to what is happening in other countries, such as Australia, where such adoptions are rare.

As Mirah points out so clearly, current unethical adoption policies and practices in the United States exist to service greedy, needy adults, when what are needed instead are ethical adoption policies and practices, which will serve the needs of vulnerable children.

Mirah has suggested that the United States could learn from adoption policies and practices in Australia, where adoption is well-regulated. There are no commercially-based adoption agencies in Australia, private adoptions are illegal and all domestic adoptions are enacted by State Government departments. Legislation exists in all states and territories of Australia to ensure that vulnerable families are protected from exploitation. Such legislation is, of course, designed to address the best interests of children. In South Australia, for example, consent to adoption cannot be given until the child is at least fourteen days old, counselling after the birth is compulsory and it must be completed at least three days prior to consent being given.

At that time, the mother of the child must also be given information in writing regarding the consequences of the adoption. After the consent has been signed, there is a minimum period of twenty-five days during which the consent may be revoked.

In Australia there is no contact of any kind between expectant mothers and prospective adopters. Such contacts are considered to be intrusive, disempowering to the expectant mother and potentially exploitative. They may also serve to encourage an inappropriate sense of 'ownership' in the prospective adopters. Sadly, such contact has become common in the United States, in spite of the fact that it is considered by many professionals to be unethical. In South Australia, it is not until the revocation period has expired that the government department involved selects adopters for the child. Prospective adopters, therefore, do not have any contact at all with the child until that time.

In 21st century Australia, adoption is almost a thing of the past. It is being replaced by truly child-centred alternatives. The Australian community has learned that identity and heritage are important and that we are all, in a sense, 'guardians' of our children until they reach adulthood. For children who are considered to be unsafe in their families of origin, there is the possibility of a court granting *permanent guardianship*. This provides the security that the children involved will not be removed from the home in which they have been placed and also that their guardians will have the right to make all decisions on behalf of those children - just as they would if the children had been born to them. Because no adoption takes place, there is no new birth certificate and no attempt to destroy the child's original identity and replace it with a false one. This means that permanent guardianship is a more honest way to care for children in need than adoption.

Adoption legislation was enacted in the past in ignorance. At the time that numbers of adoptions were high, there was no reliable evidence available of the long term effects on both parents and their children of adoption separation. The legislation which allowed these adoptions to take place, therefore, was necessarily experimental. It took many years for the long term impact of adoption to be felt and even longer for those affected to feel comfortable speaking out. When this did occur in Australia, however, appropriate steps were taken to support family preservation and to create more child-centred outcomes for children who were unable to live safely with their families. Family preservation programmes, which encourage and assist parents to raise their children, are taking the place of adoption programmes, which create family breakdown.

Books such as this one have an important role to play in exposing to the world the horrific realities of current adoption policy and practice in the United States. It is the responsibility of government to protect its vulnerable citizens. It is clear that the United States government is failing to fulfil this responsibility. For the sake of the families who have already suffered as a result of adoption separation and in order to protect other families from enduring that pain, changes must be made. I have no doubt that eventually the final change will come about in the United States and that truly child-centred alternatives will be devised to replace adoption. This will ensure that safe, secure homes can be provided for children in need, without the deceit and pretence inherent in adoption.

This is an honest and well-researched book written with a genuine concern for the well-being of children. It will be welcomed by all who share such a concern and who wish to work towards a better future. As has been shown in Australia, those whose lives have already been affected by adoption separation, if they work together, can be a very powerful force for change.

Sadly, much of the current trade in children in the United States is instigated and directed by women. As Joss Shawyer said in 1989:

Women can and must stop putting in orders for other women's children.

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