



Adoption Rights Alliance

REGAINING IDENTITIES, HISTORY AND RIGHTS FOR ADOPTED PEOPLE

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Presentation to

Joint Oireachtas Committee
On Health and Children

Tuesday 8th December 2009

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Good afternoon, my name is Susan Lohan from Adoption Rights Alliance, we would like to thank the Committee for inviting us to discuss the proposed 2009 Adoption Bill. I am an adopted person and a co-founder of the group Adoption Rights Alliance which has been set up to ensure that the rights of the adopted child and the rights of Ireland's 40,000+ adult adopted people are protected in legislation. I have volunteered in the area of adoption for eight years, including advocacy work and advising adopted people on the inadequate state of Irish adoption legislation as well as being a member of an Advisory Group to the Adoption Board for the last six years, which was responsible for the development of the National Adoption Contact Preference Register and the Standardised Framework for Information and Tracing.

While certain aspects of the 2009 Adoption Bill are to be welcomed; e.g. the ratification of the Hague Convention for the Protection of Children in Intercountry Adoption, the fact remains that this is a flawed Bill that significantly, does not even contain the phrase "child's rights" and it will allow Ireland to continue bilateral adoption agreements with any and every country desired.

Nothing from the key articles (7, 8 & 20 – see Appendix 2) on adoption from the UN Convention on the Rights of the Child – namely the child's right to his/her identity and birth certificate as well as the continuity of culture and ethnic background - is included in this new Bill. In fact, the Bill actually provides for the release of false "birth certificates" to adopted people which could be used to hide from them the fact that they are adopted. Children adopted from abroad will have the same zero access to birth certificates on reaching eighteen as the existing population of adopted people.

Article 21 of the UN Convention on the Rights of the Child recognises intercountry adoption as an *alternative* means of caring for a child, where all other avenues have been explored to allow the child to be raised in his/her country of origin. The 2009 Adoption Bill flies in the face of the Convention as it is almost uniquely focused on devising as many avenues as possible to adopt children from overseas.

More worryingly however is that this Bill does not contain a single provision for Information and Tracing rights for Ireland's 40,000+ adopted people who will continue to be denied access to their birth certificates and adoption files - services enjoyed by our UK counterparts since 1973.

This is unfathomable to those of us who took part in both the written and oral parts of the 2003 Adoption Legislation Consultation, who have sat on Advisory Groups at the Adoption Board and those involved over the past 20 years in adopted people's organisations; all of whom have stressed the need for statutory recognition of adopted people's rights and greater openness in adoption.

It is as though the Department of Health has constructed this Bill in a vacuum where the "children"

adopted since 1952 have remained in a Peter Pan-like state, never maturing, never expressing the psychological need to establish their identities or meet members of their natural families.

In a decade when the levels of enquiries to the Adoption Board from adopted people have necessitated the creation and staffing of an entirely new Information and Tracing Unit, it is incredible that the Bill also does not allow for adopted people to be represented on the proposed new Adoption Authority, whose membership is unchanged from that of the Adoption Board.

The other deficiencies in the 2009 Adoption Bill include the lack of provision for Freedom of Information around the Adoption Authority's operations; the continued registration of the moribund church run agencies now to be called "accredited bodies" and zero provision for open-adoption. It is no less than momentous that adopted people have been joined by natural parents, the Council of Irish Adoption Agencies, Barnardos and social workers in criticising this Bill and calling for the release of birth certificates and the inclusion of tracing and information services. There are many voices - with significant adoption experience, both personal and professional – who are all seeking the same legislative change and we urge the Committee to take heed and enable these changes to take effect.

It is simply not good enough to construct an Adoption Bill that merely concerns itself with the technicalities of facilitating closed secret adoptions, with no regard for the tremendous loss involved for adopted people in being denied their natural family history and heritage.

I would now like to hand you over to my colleague, Claire McGettrick.

Good afternoon, my name is Claire McGettrick and I am an adopted person. I am also a co-founder of Adoption Rights Alliance. I have worked both voluntarily and full-time in the area of adoption for eight years.

Of the hundreds of adopted people I have helped over the years, the vast majority have sought assistance on tracing their natural mother and/or natural father or other family members. This is also the experience of our colleagues in our sister organisations, the nationwide Adoption Support Network of Ireland (ASNI) and Know My Own (KMO) in Cork.

Often, the queries will include complaints about church run adoption agencies, who either openly discourage an applicant or even refuse to carry out a trace. Some have waiting lists of 2/3/4 year's duration because they either don't know about or refuse to employ professional genealogists. There are some well-intentioned individuals both in private agencies and in the HSE, however, their hands are tied by the 57 year old legislation, the lack of staffing and the lack of oversight by the Adoption Board – who can't even identify what the requirements are for a registered adoption agency. (See Appendix 1 – Letters exchanged by Susan Lohan and John Collins, CEO of the Adoption Board on the registration of adoption agencies)

In our experience and in the experience of our colleagues in KMO and ASNI, the majority of adopted people will opt to conduct their own traces. This is often because of mistrust of certain church run agencies and the long waiting lists in others, but for most **there is an overall need to own the search and regain some of the power that has been taken away from them in infancy.**

Against the backdrop of no less than two seasons of RTÉ's "Who Do You Think You Are?" in which celebrities explore the treasure trove of their family heritage unhindered we would remind the Committee of the instinctive need of each and every person to know their natural family history and heritage – a knowledge denied to adopted people for 57 years.

The consequences of living without adequate medical records cannot be underestimated. In one case we are aware of, an adopted person's son was given an anaesthetic to which he was allergic, something the adopted person would have known if her own early medical information was made available to her. In order to treat the child, who was in intensive care for five days, the doctors needed to know the specific nature of the allergy and the adoption agency refused to even look at the adoption file, let alone disclose the medical information contained in it. Fortunately, the child recovered from his reaction, however this recovery was not aided in any way by the agency. Some adopted people do not take the risk of vaccinating their children due to the lack of knowledge of their medical background. Additionally, adopted people are embarrassed and worried on a regular basis when they cannot give a doctor their family medical history or when

they see “none” written in the space where the medical history should be. The issue of medical records clearly demonstrates that adoption does not only affect the adopted person, but their children and all future generations who are left with a gap in their family history.

We are also gravely concerned about the lack of post adoption services for children brought into Ireland for adoption. Over the years I have had numerous queries from adoptive families, seeking advice on how to help their adopted children to deal with the challenges of growing up as an adopted child. We have heard anecdotally of cases where adoptive parents discourage their internationally adopted children from speaking their original language. Adoption is not like regular parenting, because the adopted child is grieving for his/her natural mother, regardless of the circumstances of the adoption. It is therefore clearly negligent not to provide post adoption services.

We are equally concerned about the lack of tracing and information services for people adopted from outside of Ireland, some of whom have approached us already. As hard as it is for adopted people who have been adopted domestically to search, it is a truly daunting task for those who have to go to their country of origin where in most cases they will not speak their mother tongue and where they may discover that they were obtained for adoption illegally. People adopted from overseas will continue to be put on an unequal footing to domestically adopted people because the Index to the Register of Foreign Adoptions is not being made available for public scrutiny and they will be forced to make applications through the Adoption Board.

We feel that the proposed Adoption Bill does not go far enough to ensure that all intercountry adoptions only take place as a last resort and to uphold the principle that adoption should be about finding homes for children, not children for homes. There is no doubt that a supply and demand situation exists as outlined in the recent UNICEF report and we believe that the Adoption Bill should do more to promote child sponsorship programmes for overseas children in need of homes and to promote long term fostering for the thousands of Irish children awaiting homes in the care system.

For over twenty years, voluntary organisations have been picking up the slack for successive Irish governments due to the lack of legislation. If this 2009 Adoption Bill is passed in its present form, another twenty years will be spent sweeping up the government’s mess and some future Joint Committee will have to answer to those adopted from abroad and ignorance will be no defence.

We thank the Committee for its time and we welcome any questions you may have.

Appendix 1

RETYPE FROM ORIGINAL – ORIGINAL SENT AS PHOTOCOPY

Ms. Susan Lohan
Adoption Ireland
[ADDRESS REDACTED]

14 August 2003

Dear Ms. Lohan,

I refer to your letter of 7 July 2003 regarding the registration of adoption societies under the 1952 Adoption Act. My apologies for not replying sooner.

Your queries relate primarily to the criteria used by the Adoption Board when registering a new Adoption Society. I have to say that it has been over twenty years now since the Adoption Board registered a new Society and following an extensive search of the archive files written criteria have not been found.

Our records have revealed that societies applying for registration completed a Registration application form (copy enclosed) and based on the information supplied by the Society thereon and the requirements of the 1952 Act the Adoption Board granted or declined registration.

Information requested from the society would include:

- The registered address
- Date of establishment
- Objects of the society
- Full details of the controlling committee and any employees or volunteers working on behalf of the society
- Details of any homes, hostels or orphanages under the control of the society
- An outline as to how the society proposed to function

The Board has no record of the registration of a Society having been declined or withdrawn. Naturally, over the years, a number of societies have requested voluntary de-registration as they had ceased to function.

I am also enclosing a copy of Draft Guidelines for the Accreditation of Intercountry Adoption Mediation Agencies. These are currently before the public for consultation and comment thereon. They will give you some idea of the registration requirements currently being considered for persons or groups wishing to register as a Mediation Agency. Any comments which you or your group would wish to make thereon would be most welcome.

Yours sincerely,

JOHN COLLINS
CEO

Appendix 2

UN Convention on the Rights of the Child Relevant Sections Pertaining to Adoption

Article 7

1. The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents.

Article 8

1. States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference.

Article 20

1. A child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State.

2. States Parties shall in accordance with their national laws ensure alternative care for such a child.

3. Such care could include, inter alia, foster placement, kafalah of Islamic law, adoption or if necessary placement in suitable institutions for the care of children. When considering solutions, due regard shall be paid to the desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background.

Article 21

States Parties that recognize and/or permit the system of adoption shall ensure that the best interests of the child shall be the paramount consideration and they shall:

(a) Ensure that the adoption of a child is authorized only by competent authorities who determine, in accordance with applicable law and procedures and on the basis of all pertinent and reliable information, that the adoption is permissible in view of the child's status concerning parents, relatives and legal guardians and that, if required, the persons concerned have given their informed consent to the adoption on the basis of such counselling as may be necessary;

(b) Recognize that inter-country adoption may be considered as an alternative means of child's care, if the child cannot be placed in a foster or an adoptive family or cannot in any suitable manner be cared for in the child's country of origin;

(c) Ensure that the child concerned by inter-country adoption enjoys safeguards and standards equivalent to those existing in the case of national adoption;

(d) Take all appropriate measures to ensure that, in inter-country adoption, the placement does not result in improper financial gain for those involved in it;

(e) Promote, where appropriate, the objectives of the present article by concluding bilateral or multilateral arrangements or agreements, and endeavour, within this framework, to ensure that the placement of the child in another country is carried out by competent authorities or organs.

Appendix 3

Letter From an Adoptive Parent to Minister Brian Lenihan Re Consultation Process

NAME with Adoption Rights Alliance
ADDRESS with Adoption Rights Alliance
Monkstown,
Co. Dublin.

29.03.2003

Minister Brian Lenihan,
Department of Health & Children,
Hawkins House,
Hawkins Street,
Dublin 2.

Dear Minister Lenihan,

I and my late wife Sheila adopted two children in '64 and '67.

As a parent, I see at first hand and suffer at seeing my children so unhappy, tortured and worried at the lack of co-operation from whatever authority should be helping them.

Their health details are so important as is the fact that they may have brothers and sisters (I dislike the prefix "half", it is demeaning in my opinion). It would be easy to have a service to liaise with natural parents of adopted people and even encourage them to resume relations. I am aware of the difficulties this may create for a minority but as humans, generally blood is thicker than water.

In their late teens, I discouraged my children from trying to trace their natural families but times have changed and I now realise it was selfish of me to have done this. For the past 15 years I have encouraged them as adults to get as much information as possible.

My impression is that there is no sign of charity towards adopted people and I am talking about adults, some of whom are making a massive contribution to our country.

When my wife died, my father stated, people will say how sorry they are and understand but unless they have experienced death themselves, they do NOT understand. Similarly, I am in the position of not being adopted. I cannot understand their needs but nonetheless suffer at their unhappiness.

Surely, they have a human right to be given every help by the State to overcome outdated systems and thinking?. Time is so short so I would like to see proper action now.

I heard part of a headline on Radio recently, that stated you are planning a consultation process on adoption legislation.

I wish to given an opportunity to express my views to such a consultative process or be questioned. I am not argumentative but would like to explain how it is.

I look forward to an invitation to making such a contribution.

Thanking you

Yours faithfully

NAME with Adoption Rights Alliance

Appendix 4

Complaints/Issues with Agencies and the Adoption Board

- Agencies withholding non-identifying information such as first names
- Agencies imposing waiting lists of several years
- Agencies discouraging adopted people from tracing, with statements like: "It can be a very slow process, people have moved and and gotten married" or "We are looking for a lady whose circumstances we know nothing about - she could be dead - three of the mothers I found last year were dead"
- A general lack of respect of the adopted person's desire to trace e.g. reminding the adopted person that they might hurt their adoptive parents' feelings or disrupt their natural mother's life
- Agencies contacting adoptive parents as opposed to the **adult** adopted person when a query arrives from the natural mother
- Agencies refusing to supply medical information, even in life threatening situations
- Agencies forcing adopted people to jump through hoops in order to obtain simple information
- Agencies drip feeding information
- Inefficiencies such as not responding to letters at all or delayed responses to letters
- Agencies insisting on face to face meetings with social workers prior to the release of any information, regardless of whether the person lives in Ireland or not
- Breaches of confidentiality – e.g. we are aware of cases where agencies in the course of a search have told other natural family members that their sister or mother or daughter had placed a child for adoption
- Agencies providing false or inaccurate information
- Agencies failing to put adopted people and natural parents in contact with each other even in cases where both parties have contacted the agency seeking a reunion
- Adoption Board insisting on the signing of affidavits prior to the release of birth certificates (a practice now discontinued).
- Mandatory counselling being insisted upon or strongly encouraged, leaving the adopted person feeling they have no choice in the matter, that the trace will go slower if they don't
- Adopted people being forced to answer intimate questions from nuns with no social work qualifications in church run agencies in order to obtain information

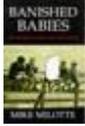
- A nun in a church run agency claiming to an adopted person who was exported to the US for adoption that she cycled from Cork to Kerry, visited with the person's natural mother who allegedly told the nun she was not interested in contact. Our organisation subsequently provided the adopted person with the appropriate information and advice and within a few weeks he was happily reunited with his natural mother.
- A nun in a church run agency secretly joining adopted people's online support groups, copying messages and summoning adopted people who have complained about her to intimidating meetings.
- A nun in a church run agency sending threatening legal letters to members of adoption organisations warning of litigation
- Deliberate withholding of or providing misleading information in illegal adoptions where the adopted person seeks reunion
- Agencies telling adopted people and natural parents that it is illegal to trace
- Agencies telling adopted people that they cannot trace or receive information using excuses like "the Irish Law" or the "Secrecy Act".
- Social workers engaging in "counselling sessions" while failing to inform the adopted person that they are in fact being assessed as to their "suitability" to receive information or be reunited
- In the case of one of our colleagues who was sent to the US for adoption, a nun from a church run agency, despite already knowing the natural mother's date of birth, managed to contact the wrong woman with a completely different date of birth. She also claimed that they had no idea where the natural mother had gone when she left the mother and baby home, yet the natural mother received photos of the adopted person post-adoption from the.

In the same case, the same nun wrote to the adopted person after she had found her natural mother, harassing her and sharing sensitive private correspondence from her adoptive mother that the adoptive person felt she should never have seen, resulting in diminishing an already degrading relationship between the adopted person and her adoptive mother.

Appendix 5

Suggested Reading List

Background to Irish Adoption



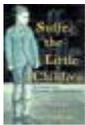
Banished Babies,
by Mike Millotte

Export of over 2000 Irish children to the United States in the 1950's, 1960's and 1970's.



Do Penance or Perish: Magdalen Asylums in Ireland,
by Frances Finnegan

The book focuses on the Magdalen Homes run by the Good Shepherd nuns in Ireland.



Suffer the Little Children: The inside Story of Ireland's Industrial Schools,
by Mary Raftery and Eoin O'Sullivan

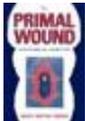
A comprehensive look at the entire state/church child care system in Ireland.



The Light in the Window,
by June Goulding

The author worked as a midwife in the Bessboro', Cork mother-baby home attached to the Sacred Heart Adoption Agency.

The Adoption Experience



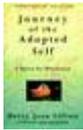
Primal Wound: Understanding the Adopted Child,
by Nancy Verrier



Lost and Found: The Adoption Experience,
by Betty Jean Lifton



Twice Born: Memoirs of an Adopted Daughter,
by Betty Jean Lifton



Journey of the Adopted Self: A quest for Wholeness,
by Betty Jean Lifton



The Adoption Reunion Survival Guide,
by Julie Jarrell Bailey & Lynn N Giddens



The Adoption Nation: How the Adoption Revolution is Transforming America,
by Adam Pertman



Blue-eyed Son: The Story of an Adoption,
by Nicky Campbell



Twenty Things Adopted Kids Wish Their Adoptive Parents Knew,
by Sherrie Eldridge



Birth Bond: Between Birthparents and Adoptees,
by Judith Gediman & Linda Brown



Wake Up Little Susie: Single Pregnancy and Race Before Roe Versus Wade,
by Ricki Solinger