

The Fraught Politics of Saying Sorry for Forced Adoption: Implications for Child Protection Policy in Australia

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EXECUTIVE SUMMARY

No. 138 • 19 March 2013

In February 2012, a report by the Senate Community Affairs References Committee recommended that the federal parliament issue a formal statement of apology for the role the Commonwealth played in the routine adoption of the babies of unwed (mostly teenage) mothers by childless married couples between the 1950s and mid-1970s. The Gillard government subsequently announced in June 2012 that an apology on behalf of the nation shall be made in 2013 to acknowledge the trauma of forced adoption. The apology will be delivered on 21 March this year.

Many Australians will believe that in these more enlightened times the national apology is overdue to separated mothers harmed by the unethical and unlawful forced adoption malpractices that led some young and vulnerable mothers to relinquish their babies against their will. However, it is not a matter of just saying 'sorry' for past errors—the national apology has contemporary social policy implications that need to be considered.

These implications relate to the crucial and controversial subject of child protection policy. The nation is in danger of practising the easy moralism that condemns previous generations for the sins of forced adoption, while ignoring current-day sins of omission and commission toxic for child welfare. In reaction to past forced adoption practices, there is a real danger that the national apology will endorse the current over-emphasis placed on 'supporting not separating' the increasing number of problem families in the community with serious concerns for the safety and wellbeing of children.

This report examines the significance of the March 2013 national apology for child protection policy by critiquing the arguments and assumptions of the influential 2012 Senate inquiry into the role the Commonwealth played in the former forced adoption policies and practices widespread in Australia after World War II. The Senate inquiry supported the idea that, as part of the national apology, Australian governments should commit to always working to keep problem families together. But it did not discuss a range of relevant issues, such as the over-representation of single-mother families in cases of child maltreatment. It also did not examine the way vocal opponents of adoption exploit the history of forced adoption to attempt to discredit the practice of adoption in all circumstances, including for child protection purposes.

The Senate inquiry maintained that the Commonwealth—which had no constitutional responsibility for the adoption laws and processes overseen by state governments—should apologise for financially coercing unmarried women into giving up their children for adoption.

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Thank you to my colleagues at the CIS for helpful comments, especially the Rev. Peter Kurti. All errors are the author's responsibility.

The federal government's failure to extend the scope of social security payments to include welfare benefits for unwed mothers was deemed wrong and deserving of an apology, as the provision of taxpayer-funded income support would have enabled many mothers to keep their children. This led the inquiry to criticise previous generations for discriminating against unmarried women and to laud as a social leap forward the Whitlam government's decision to support rather than stigmatise unwed mothers by introducing the single mother's ('supporting mother's') pension in 1973.

The inquiry's reflexive endorsement of 'progressive' social values and praise of greater community tolerance of 'family diversity' was naïve and myopic, given the negative social and child welfare consequences of the welfare and family policy changes in the early 1970s.

Expanding the availability of welfare benefits helped end forced adoption by enabling unwed mothers to financially support their children. *But establishing the 'right' to receive welfare also led to the emergence of the very social problems that forced adoption was designed to prevent.* In the past 40 years, the politically incorrect reality is that welfare for the unwed has made having children out of wedlock a pathway to dependence and dysfunction for a significant underclass of single mothers and their children. This has contributed significantly to the scale of the child protection problems confronting the nation today.

It is no coincidence that the breakdown of the traditional family and the proliferation of state-supported single motherhood have coincided with the crisis that has engulfed the Australian child protection system in recent decades. Rates of child maltreatment have spiraled because increasing numbers of parents among Australia's welfare-dependent underclass are incapable of properly parenting their children. This underclass includes disproportionate numbers of dysfunctional single-mother families. They account for more than one-third of all substantiated incidents of child abuse and neglect in Australia, and are over-represented at more than twice the expected rate, given the number of single-mother households.

State and territory child protection services have failed to respond appropriately to the crisis because of the 'family preservation' (or 'family support') approach to child maltreatment. Based on a radical parental rights agenda, priority is given to supporting dysfunctional families via social service interventions in an often futile effort to address the serious and hard-to-resolve personal issues that impede proper parenting (substance abuse, domestic violence, and mental illness). Family preservation profoundly harms children by prolonging the time spent either in the custody of abusive and neglectful parents, or languishing in 'temporary' and unstable foster care while awaiting family reunions that are highly prone to breakdown.

The alternative proven and effective strategy for stopping abuse and neglect is to take more timely action to remove children permanently from unsafe situations and provide safe and stable homes by adoption by suitable (and properly screened and vetted) families. Increasing the numbers of underclass children that are adopted is essential to prevent the intergenerational transmission of dependence and dysfunction from parents to children.

This policy prescription is controversial. The preference for family preservation reflects the social work profession's desire to avoid repeating perceived historic wrongs. Permanently removing children even from highly dysfunctional parents is considered akin to the discredited forced adoption practices of previous eras. Hence, in 2010–11, fewer than 200 children were adopted in Australia when more than 37,000 children were in government-funded care placements, and more than 25,000 of these children had been in government-funded care placements continuously for more than two years.

By comparison, approximately 50,000 children are adopted from care each year in the United States. If Australian children in care were adopted at the same rate as in the more adoption-friendly United States, approximately 5,000 children would be adopted each year in Australia—half the number of adoptions recorded in the peak year of 1971–72 (9,798).

Herein lies the fraught politics and child protection implications of the national apology. The anti-adoption movement in Australia cites the history of forced adoption to heighten sensitivities and promote the idea that *all* adoptions are wrong and harmful to separated

mothers and their stolen children, including adoptions in situations where children require protection and permanent removal from demonstrably unfit parents. The morally charged argument that seeks to discredit adoption by insisting we should learn from the past and 'never again' repeat the same mistakes, or else 'any national apology will be undermined,' is code for persevering with family preservation policies that do more harm than good for child welfare by enfeebling the community response to child maltreatment.

Apologies for forced adoption by state parliaments in 2012 have validated concerns about the use and abuse of the history of forced adoption. The apologies by South Australia (July), NSW (September), Victoria (October), Tasmania (October), and Queensland (November) were heavily influenced by the Senate report. They celebrated the rise of family diversity and continuing efforts to support, not separate, dysfunctional families (especially single-mother families), and were oblivious to how this flawed approach has compounded the child protection crisis.

To avoid a repeat at the national level, the federal parliament should exercise leadership on child protection issues, and should carefully consider the ramifications of how the nation says sorry and what it says sorry for, lest the apology casts doubts on the acceptability of adoption in twenty-first century Australia. At a time when the 'paedophile priest' scandals in the Catholic church have led to the establishment of a Commonwealth Royal Commission into institutional responses to child abuse, the chronic and institutionalised under-responding to child maltreatment by state and territory child protection authorities should also be scrutinised. To weaken the taboo on adoption and not 'white ant' the emerging support among policymakers for reviving the use of adoption for child protection, the federal parliament should explicitly reject as part of the national apology the notion that all adoptions are harmful and illegitimate. Instead, it should endorse the appropriate and beneficial use of adoption to halt the growing scourge of child abuse and neglect.

That a national apology for forced adoption is deserved seems unarguable.

Introduction

In February 2012, the Senate Community Affairs References Committee published a bipartisan report, 'Commonwealth Contribution to Former Forced Adoption Policies and Practices,' recommending the federal parliament issue a formal statement of apology for the role the Commonwealth played between the 1950s and mid-1970s in the routine adoption by childless married couples of an estimated 150,000 babies of unwed (mostly teenage) mothers.¹

The Senate report examined the forced adoption policies and practices widespread throughout Australia in the post-World War II period. It principally canvassed the experiences of unwed mothers subjected to unethical and unlawful treatment by hospital staff, social workers, and faith-based adoption agencies, which resulted in an unknown number of young and vulnerable mothers being coerced into signing adoption forms and relinquishing their babies for adoption. The inquiry (which received 418 submissions from individuals and organisations) found that many decades after these events, it was not able to 'express a view about any particular cases' of alleged malpractice involving duress and uninformed or fraudulent consent. Nor was it able to determine the extent to which these problems were systemic.²

There is, though, no doubt that some unwed mothers and their children experienced pain, grief and loss. Nor is there any doubt that some of these women by their own accounts (as revealed to the Senate inquiry) were victimised and subjected to pressure that amounted to immoral and unconscionable coercion and manipulation. When people have suffered hurt and anguish, the human instinct is to feel compassion and express sorrow, understanding and regret. Spurred, no doubt, by this sentiment, the Gillard government announced in June 2012 that it would act on the Senate inquiry's recommendations, and offer in 2013 an apology on behalf of the nation as a 'step in the healing process to acknowledge the trauma of forced adoption.'³ The apology will be delivered on 21 March this year.

Senate inquiry on the Commonwealth's role

That a national apology for forced adoption is deserved seems unarguable. Discredited attitudes and practices once common and condoned—such as refusing to allow unwed mothers to see or hold their newborn babies—certainly strike us today as cruel and punitive. This is especially so when efforts to ensure a 'clean break' between mother and child involved using pillows to shield the mother's face during delivery, and shackling mothers to their bed to prevent post-natal visits to the nursery.⁴ Yet it is also important to appreciate the thinking behind forced adoption if the contemporary social and child protection policy implications of the national apology are to be understood.

In the 1950s and 1960s, the attitudes and practices condemned today, together with the institutionalisation of virtual 'automatic' adoption in response to pregnancy out of wedlock, were considered tough but humane. If an unmarried woman did not have financial support from her family, or unless she married the father, the view before the 1970s was that the only realistic option in the best interests of the child was for the mother to consent to adoption. The wrench of giving up her baby would be less, or so it was thought, if the mother had not bonded with a baby she could not support financially.⁵

The presumption was that unwed mothers without breadwinning husbands would be unable to combine child rearing duties with paid work. Children would therefore have to be given up for adoption, given that the meagre government benefits then available were insufficient to support mother and child. Adoption of children born out of wedlock was thus designed in part to prevent the creation of a pauper class of unmarried women and children who otherwise would inevitably require public assistance. By these means, traditional family values were also upheld.

The widely held conviction was that it was unquestionably in the children's and society's best interests for a child to have a married mother and a father, and for a child to be raised in an intact and financially self-supporting (natural or adoptive) family. Hence, respectable social conventions stigmatised and shamed women who conceived children out of wedlock. Pre-marital sex was frowned on and personal autonomy in sexual matters did not trump the public interest involved in the harm done to children and society by irresponsible sexual behaviour. Social and moral disapproval was expressed through the general acceptance of what is now considered the draconian social policy of adopting-out the babies of young unwed mothers, who were pressured by families, health and welfare workers, and by society-at-large to agree to give up their 'illegitimate' children for adoption.⁶

The Senate inquiry into forced adoption had little sympathy for the values of earlier times.⁷ Reconstructing these 'conservative societal attitudes' led the inquiry to employ a broad definition of forced adoption with respect to the role of the Commonwealth.⁸ The report maintained that the Commonwealth—which had no constitutional responsibility for the adoption laws and processes overseen by state governments—should apologise for financially coercing unmarried women and giving them no other realistic option than to agree to adoption. The Commonwealth's failure to extend the scope of social security payments to include welfare benefits for unwed mothers was deemed wrong and deserving of an apology because provision of taxpayer-funded income support would have enabled many women to have kept their children.⁹

Having established that lack of sufficient government benefits was a 'key factor' leading many mothers to relinquish their babies,¹⁰ the Senate inquiry lauded as a social leap forward the Whitlam government's decision to support rather than stigmatise and discriminate against unwed mothers by introducing the single mother's ('supporting mother's') pension in 1973.¹¹ The inquiry rightly identified this as the moment when social attitudes to marriage, the family, and the raising of children were officially revolutionised. Unmarried women no longer needed to give up their babies for financial reasons and comply with traditional social values, as conduct previously considered anti-social now received state sanction and was reclassified as deserving of government support.¹²

These developments were in keeping with the permissive spirit of toleration fostered by the social revolution of the 1960s, which rapidly altered the social conventions surrounding sex, marriage and children. Relaxation of social attitudes led to social acceptance of behaviours previously judged personally immoral and socially irresponsible, such as pre-marital sex, divorce and conceiving children out of wedlock. Changing community mores concerning marital status meant that divorce, cohabitation, and single motherhood were no longer subjected to the same degree of prejudice and discrimination that was hitherto applied to enforce the traditional code of behaviour.¹³

Changed conventions changed behaviour. Until the early 1970s, less than 10% of births in Australia were ex-nuptial. The number of births out of registered marriage steadily rose in the following decades, and had tripled to over 30% by 2000¹⁴ and 34% in 2010.¹⁵ The official statistics do not distinguish cohabiting and single mothers. David de Vaus and Matthew Gray estimate that in the 1960s, between 5% and 6% of births were to single mothers; by the early 2000s, this had increased to over 11%.¹⁶

The fight to end the discrimination against unmarried women was also led by middle-class activists who defied convention and kept their babies, and who in the late-1960s mobilised single mothers into a political lobby centred on the National Council for Single Mothers and their Children. The successful campaign to establish the 'right' to receive welfare soon became associated with the women's liberation movement of the 1970s. For this reason, the introduction of the single mother's pension and the greater social acceptance of single-motherhood are usually portrayed as

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a feminist triumph that liberated women from the patriarchal institution of marriage. Women's economic dependence on men was eliminated by the state stepping in to assume the roles of 'father' and 'husband' via the provision of taxpayer-funded payments to fund the 'independent' raising of children.¹⁷

Consistent with this interpretation, the Senate inquiry endorsed the idea that the social policy developments of the 1970s and the 'shift towards greater support for single mothers' to keep their children represented unalloyed social goods.¹⁸ The report was in line with the standard 'progressive' account of the evolution of the family over the last 40 years, which celebrates the rise of single-motherhood and the decline of the institutions of marriage and the traditional nuclear family as victories for tolerance, feminism and the status of women.¹⁹ The report therefore praised the diversity of family types the single mother's pension made possible, and criticised previous generations for discriminating against unmarried women and making strict judgments about the best circumstances in which to raise children.²⁰

The intolerance and stigmatisation experienced by unwed mothers not supported by the state, and the social pressure to agree to adoption with virtually no other state-supported choice, were also singled out for condemnation by the inquiry.²¹ However, the story of supposed social advancement outlined in the report does not accord with the far-from-positive relationship between the rise of single-motherhood and the wellbeing of children.

Welfare for the unwed

The Senate inquiry's reflexive endorsement of progressive social values was wholly misplaced, given the social consequences of the changes to welfare and family policy in the early 1970s.

Myopically and naïvely ignored was all that has subsequently been learned over the past four decades about the breakdown of the family and child welfare. Rather than the state-sponsored breakdown of the family having liberated and empowered women, the decision to recognise women's (so-called) 'right to have a family without a husband' and 'right' to receive 'the income maintenance they needed to achieve independence'²² has transformed the welfare-dependent single-mother phenomenon into a leading cause of female and child poverty.²³ The inquiry entirely overlooked the chief legacy of the social and policy changes that helped end forced adoption. The unfashionable truth and politically incorrect reality is that welfare for the unwed has created a pathway to dependence and dysfunction for a significant underclass of single-mothers and their children—and contributed significantly to the scale of the child protection problems confronting the nation.

The negative consequences of family diversity are verified by a wealth of studies examining family structure and measures of child welfare.²⁴ These studies have consistently found that children in an intact family in which the biological mother and father remain married derive, on average, modest but consistent educational, social, cognitive and behavioural benefits. Conversely, divorce and family non-formation (cohabiting and single-parent families) have been found to be significantly associated, on average, with a range of adverse outcomes that persist into adulthood, and the 'evidence on the benefits of marriage for the well-being of children has continued to mount.'²⁵

Summarising the evidence, US political scientist Charles Murray says:

No matter what the outcome being examined ... of how well or poorly children do in life—the family structure that produces the best outcomes for children, on average, are two biological parents who remain married. Divorced parents produced the next-best outcomes. Whether the parents remarry or remain single while the children are

growing up makes little difference. Never married women produce the worst outcomes. All of these statements apply after controlling for the family's socio-economic status.²⁶

In Murray's words, there is 'no other set of important findings that are as broadly accepted by social scientists who follow the technical literature,' regardless of their political orientation.²⁷ Kay S. Hymowitz of New York's Manhattan Institute says the 'single-mother revolution' is a leading cause of socioeconomic inequality because:

Decades of research show[s] that kids growing up with single mothers (again, even after you allow for the obvious variables) have lower scholastic achievement from kindergarten through to high school, as well as higher rates of drug and alcohol abuse, depression, behaviour problems, and teen pregnancy. All these factors are likely to reduce their eventual incomes.²⁸

This is consistent with the latest Australian research on family structure and child wellbeing. A study published in 2012 by Lixia Qu and Ruth Weston, based on high-quality longitudinal data of children born in the late-1990s and early 2000s, found that compared to children with married parents, 'those living with their sole mothers appeared to fare less well in terms of social-emotional, learning, and physical development.'²⁹ The findings that children in sole-mother families 'fare much worse' supported the:

... great deal of evidence ... suggesting that children in these families are at an elevated risk of displaying a broad range of emotional and behavioral adjustment problems and low school achievement. Factors explaining such trends include the poorer financial circumstances of sole-mother families, poorer maternal health, fewer effective parenting practices, and more limited social support networks.³⁰

This literature indicates the strong class dimensions to the *on average* adverse outcomes for children in non-traditional families, which occur on a continuum,³¹ and with the 'worst outcomes' strongly associated with 'low socioeconomic status' (aka welfare-dependent) single mothers.³² The worst problems for child welfare appear not to stem from divorce or even single parenting, per se, but from family non-formation in specific socioeconomic circumstances involving the vulnerable children of welfare-dependent (and invariably younger and less-educated) single mothers.³³

This reflects the reality, supported by international and Australian studies, that child abuse and neglect is more prevalent in single-mother families. This was the conclusion reached, based on comprehensive review of the evidence, by Professor Parkinson of the University of Sydney in a 2011 report on family breakdown prepared for the Australian Christian Lobby.³⁴ Most families, regardless of composition, that frequently come to the attention of child protection authorities tend to share common, multiple and hard-to-resolve problems usually linked with welfare dependence—such as drug and alcohol abuse, domestic violence, and mental illness—and the consequent breakdown of behavioural standards concerning the proper care of children.³⁵ However, these kinds of single-mother families are significantly over-represented in cases of child maltreatment in Australia. Currently, 15% of children aged 0–17 live in single-mother households according to the ABS Family Characteristic Survey³⁶; in 2010–11, 'female single parent families' accounted for one-third (33.7%) of all substantiated cases of child abuse and neglect.³⁷ The rate of child abuse and neglect in these households is more than twice that expected given the number of single-mother families.

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The rise of single motherhood has thus had a substantial impact on community well-being, given the range of social problems and costs (to the state) associated with childhood abuse and neglect.³⁸ This is on top of the billions of dollars that have been spent on transfer payments since 1973. (The current annual cost to the federal budget of Parenting Payment [Single and Partnered] is \$5.9 billion, and approximately three-quarters of the more than 400,000 recipients are single mothers.³⁹) Despite the dire overall statistics, many single mothers raise happy and successful children, and are to be admired for overcoming financial and other challenges. It is also true that all kinds of families can succeed and fail to raise well-adjusted children. Many single mothers thus resent the familiar stereotypes, and the feeling that they are being scapegoated for child harm and related social problems for which they are not responsible, and understandably so.⁴⁰

However, these sensitivities, and the desire to not unnecessarily offend some members of the community, should not preclude discussion of the broader social issue of family structure and risks to the welfare of children. The social science on family structure and child outcomes, together with child protection data revealing the over-representation of certain types of families, demonstrates strong and well-recognised links between single motherhood, dependence and dysfunction, and child maltreatment. In the sober words of the NSW Department of Community Services, the stereotype is all too accurate in too many cases:

The typical neglecting family is likely to be a young, single mother who has experienced poor parenting herself, lives in an overcrowded chaotic household with several children and is dependent on public assistance for support. She is likely to have inadequate social support, abuse substances, be depressed and, if partnered, suffer domestic violence. She is so overwhelmed by life and perhaps drugs or alcohol that she fails to adequately care for, be psychologically available to, or supervise her children.⁴¹

Child protection crisis

The emergence of the specific social and child welfare problems associated with single-motherhood identifies the broader contemporary child protection implications at stake in the national apology for forced adoption. The tragic reality is that there is a growing underclass of inadequate parents who are not fit to care for children, which includes disproportionate numbers of single-mother families. It is no coincidence that the breakdown of the traditional family and the proliferation of state-supported single motherhood have coincided with the perpetual crisis that has engulfed the Australian child protection system in recent times. Spiraling numbers of reported cases of child maltreatment have reflected the normalisation of welfare-dependent parenting. Australian child protection services have failed to respond appropriately to the crisis because of the shift in the past 40 years from traditional 'statutory intervention' into problem families (court-approved removal and provision of alternative accommodation) towards the 'family preservation' (or 'family support') approach to child maltreatment.⁴²

This shift, partly driven by ideological developments in the field and partly a reflection of changing social attitudes, has also occurred in reaction to reconsiderations and recriminations about the past practice of forced adoption.

The move towards supporting, not separating, families originated with the radical school of social work that emerged in the 1960s. This school was critical of supposedly 'bourgeois' institutions, such as marriage and the nuclear family, and of official policies that reinforced the hegemony of these institutions, such as forced adoption. When subjected to radical scrutiny, forced adoption, and child abuse in general, was portrayed as a structural feature of an unfair society. Both were seen as

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caused by poverty, or rather, by inadequate government support for parents, who regardless of marital status, struggled to care for their children. Parental responsibility for properly caring for their offspring was hereby transformed into a 'right' to parent children with adequate transfer payments and appropriate social support services. The traditional approach to child protection involving the removal of abused and neglected children into state care was considered inappropriate, and permanent removal by adoption was especially condemned as unjust. Child removal was portrayed as punishing the poor, and all adoptions, even when court action to legally sever parental rights was deemed necessary for child protection purposes, were viewed as 'forced,' as in marking the failure to address the lack of support that allegedly caused child maltreatment. The radical parental rights agenda gained influence in university social work faculties and became the foundation of the training received by social workers. It quickly had an impact on the ground as the emphasis on family preservation became the orthodox policy and practice employed by the state and territory community service departments responsible for administering child welfare laws.⁴³

Family preservation has enfeebled the community response to child maltreatment. State and territory child protection services only remove children from unsafe homes as a last resort, and only after extensive social service interventions to assist parents to address the social and personal problems that impede proper parenting. Removal to foster care then occurs only on a temporary basis, followed by attempts at family reunions. The permanent removal of children by taking legal action to terminate parental rights and free children for adoption is officially 'taboo.' Well-intentioned social services are designed to help struggling parents adequately care for children. Unfortunately, services that try to build personal capacity and family resilience struggle to overcome the entrenched behavioural problems in the underclass of families with the most serious child welfare problems.⁴⁴

The overarching flaw with family preservation is that everything possible by way of providing support services is done to keep even highly dysfunctional families together. The result is 'under-responding' to child maltreatment because child removal is relegated to a last and reluctant resort, even when abusive and neglectful parents are demonstrably unfit. Hence, the same families are reported multiple times mostly by mandatory reporters (health, education, police and other professionals obliged by law to report suspected abuse and neglect) in an attempt to prompt action to address unresolved safety and welfare concerns.⁴⁵ These systemic failings mean that statutory intervention often occurs, if at all, too late. Action is only taken after a child has been damaged by prolonged exposure to neglect and abuse, often with lifelong consequences (including crime, prostitution, drug and alcohol abuse, homelessness, mental illness, gaol, unemployment, and welfare dependence). Many children are further damaged by unstable living arrangements when foster placements break down because of children's personal and behavioural problems, and when they are repeatedly taken into and out of 'temporary' foster care after attempted family reunions inevitably break down because of recurring parental problems and child maltreatment.⁴⁶

An alternative strategy for stopping abuse and neglect is for child protection services to intervene decisively in the families in which parental capacity is severely impaired, and take more timely statutory action to permanently remove children from unsafe homes by adoption by suitable (and properly screened and vetted) families. Increasing the number of underclass children who are adopted is essential to prevent the intergenerational transmission of dependence and dysfunction from parents to children.⁴⁷

This policy prescription is controversial, especially for social workers involved in frontline child protection work. State and territory child protection services prioritise the preservation of the relationship between children and their biological

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parent(s) at nearly all costs partly because of the social work profession's desire not to repeat what are now perceived as historic wrongs.⁴⁸ Permanently removing children even from bad parents by adoption, whether by consent or by court order, contradicts the family preservation orthodoxy, which says all parents have a 'right' to receive government support to parent their children. It is also considered akin to the discredited forced adoption practices of previous eras. Before the 1970s, most adoptions in Australia involved the children of young unwed mothers. The increased availability of contraception and abortion, and the introduction of financial support for single mothers by the state, caused the number of adoptions in Australia to plummet in the mid-1970s and rapidly decline and dwindle thereafter.⁴⁹ The reluctance to consider placing children for adoption (particularly when many dysfunctional families are headed by single mothers) reflects the social work profession's concern not to repeat history and replicate the harm done to separated mothers and children. Hence, the conventional wisdom in child protection services is that children are almost always better off with their natural parents, so all efforts must be made to keep and restore children to the family home, because removal and adoption do more harm than good.⁵⁰

As a result of this thinking, the pendulum has swung too far towards family preservation and parental rights at the expense of intervention in the best interests of at-risk children. This explains why legal action is almost never taken by child protection authorities to free children for adoption, even for children who languish in foster care with little prospect of ever safely being returned home.⁵¹ Thus in 2010–11, fewer than 200 children were adopted in Australia,⁵² despite more than 37,000 children having been in government-funded care placements, and despite more than 25,000 of these children having been in government-funded care placements continuously for more than two years.⁵³

In the United States, by comparison, approximately 50,000 children are adopted from care each year. If Australian children in care were adopted at the same rate as in the more adoption-friendly United States, approximately 5,000 children would be adopted each year.⁵⁴ This would result in half the number of adoptions reached in the peak year of 1971–72, when 9,798 adoptions were recorded.⁵⁵

Despite substantial growth in the number of children in care in recent decades, adoption in Australia is 'rare' because of the 'strong push' to restore children to their parents.⁵⁶ It is sometimes claimed that the use of 'permanent care orders', which give children stability by placing them permanently with foster carers, has obviated the need for adoption.⁵⁷ However, the Australian Institute of Health and Welfare's annual publication, *Adoptions Australia*, only records the numbers of permanent care orders in Victoria. In 2011–12, just 189 such orders were granted.⁵⁸

Anti-adoption movement

The Senate inquiry's failure to discuss the social problems caused by the proliferation of single-motherhood was compounded by its failure to consider the broader questions of contemporary child protection policy relevant to the national apology. The taboo on adoption for child protection purposes demonstrates how culturally and politically powerful is the memory of forced adoptions. Herein lies the fraught politics and child protection implications of the national apology.

The inquiry did not pay sufficient attention to the way criticism of forced adoption practices encompasses outright opposition to adoptions in *all* forms and *any* circumstances today (such as inter-country adoption).⁵⁹ The anti-adoption movement in Australia consists of influential advocacy groups, backed by vocal academic-activists, such as the sociologist Professor Denise Cuthbert of Monash University, who maintain that having heard the stories told by the women who experienced forced adoption, we should learn from the past: Since we now know that adoption harms not only the separated mother but also the stolen child, whose genetic

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identity is lost by severing the connection with birth parents, we should 'never again' repeat the same mistakes.⁶⁰

The intention is to exploit the history of forced adoption to discredit all uses of adoption as socially and politically unacceptable in modern Australia, even if adoption is necessary to protect children from demonstrably unfit parents. This is done by characterising any move to lift the number of children adopted from out-of-care as a 're-emergence of "forced adoption"'.⁶¹ By focusing on an indeterminate number of adoptions that may involve unethical and illegal practices—including allegations of a 'trade' in babies for adoption by Westerners from Third World countries—a broad brush is used to tar all adoptions as illegitimate and harmful.⁶² The positive impact that adoption by wealthier, functional families can have on the lives of disadvantaged children is ignored. Also overlooked is the fact that the vast majority of adoptions these days are 'open', with contact being maintained with natural parents to ensure adopted children are aware of their origins and heritage. As importantly, the harm done to many children in the name of avoiding repeating past mistakes, due to child protection practices doing 'too little, too late' to stop abuse and neglect, is ignored by those unwilling to countenance adoption in any form.

The child protection implications of the national apology arise from the way the anti-adoption movement uses the forced adoption issue to defend the radical parental rights agenda and family preservation approach. The submission to the Senate inquiry by the anti-adoption advocacy group Vanish maintained:

In the national apology to the adoption community, there must be an acknowledgment that separation by adoption causes distress; henceforth the Australian Government will dedicate its resources to keeping families together. Any apology needs to confirm that the lessons of the past have been learned; that the Commonwealth's resources are to be redeployed in the name of family integration ... Without this undertaking, any national apology will be undermined.⁶³

The Vanish submission was quoted with approval in the Senate report, in keeping with the inquiry's recommendation that 'all those involved in current adoption practices [should] ... take the findings of this report into account to ensure that the mistakes of the past are never repeated.'⁶⁴ The submission went on to state that the national apology requires the phasing out of inter-country adoptions. With regard to local child protection issues, the insistence on government resources being used to keep families together was code for persevering with flawed 'support not separate' family preservation policies and practices. The political strategy is to heighten sensitivities and make policymakers reluctant to support adoption for child protection purposes and avoid being accused of once again 'stealing' children from parents.

This powerful and morally intimidating argument is designed to strengthen the 'taboo' on adoption. Three points need to be made in response.

First, a national apology is the means by which current generations pass judgment on what are believed to be the misguided actions of previous generations. Given the different standards and circumstances that applied in earlier eras, apologies for past government policies should be made when the means and ends pursued were demonstrably morally deficient. Previous generations believed that adoption of children of unwed mothers was an effective child welfare measure and method of preventing a serious social problem by preventing the formation of fatherless families.⁶⁵ Looking at the social statistics on children from broken families, who can say unequivocally that our forebears were entirely wrong in consciously deciding to forestall anticipated social harms and not add single mothers to the welfare rolls?

Second, the child protection legacy of the social policy changes that led to the end of forced adoption cannot be overlooked. Expanding welfare benefits helped put an end to forced adoption by enabling unwed mothers to financially support their children.

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But establishing the 'right' of unwed mothers to receive welfare also led to the very social problems that forced adoption was designed to prevent. By facilitating dependency and dysfunction, welfare for the unwed has significantly contributed to the creation of an underclass of abused and neglected children in need of removal and adoption by good families.

Third, the blanket claims made by the anti-adoption movement regarding the allegedly inherently harmful effects of adoption are not supported by evidence. The 2005 House of Representatives inquiry into adoption concluded that adoption for child protection purposes promotes child welfare. Studies have found that by providing stability and permanency, adoption produces better outcomes for abused and neglected children by removing them early, speedily and permanently from dysfunctional parents.⁶⁶

The significance of this cannot be overstated. The claim that child removal and adoption does more harm than good is wrong. Rather, research shows that the failure to use the proven and effective strategy of early removal and adoption in fact does more harm than good by exposing children to serious maltreatment and other problems, such as repeat entries into temporary foster care, leading to attachment problems and other psychosocial disorders.⁶⁷

The harsh reality is that many underclass families are not only broken but unfixable. Efforts to support, not separate, these families are counterproductive in terms of outcomes for children. The priority given to preserving parental rights at the expense of protecting children is inappropriate. A child-centred approach (as advocated by Professor Chris Goddard of Child Prevention Research Australia and Joe Tucci of the Australian Childhood Foundation) is needed, and must include the use of adoption to provide good, safe and stable adoptive families for vulnerable children requiring permanent removal from the custody of abusive and neglectful parents.⁶⁸

In the United Kingdom, this realisation is starting to shape the debate on child protection policy in the best interests of children. Martin Narey, the former chief executive of the children's charity Barnardos and current adoption adviser to the Cameron government, has recommended that social workers resume the once standard practice of advising struggling, welfare-reliant single mothers that consenting to adoption will give their babies the best chance in life.⁶⁹ In Australia, proposals to lift the adoption rate are controversial because of the sensitivities surrounding the forced adoption issue, as the following discussion of state government apologies to separated mothers and their children suggests.

State parliamentary apologies

In 2012, five state governments said sorry for forced adoption in rapid succession. Western Australia was the first state to apologise in October 2010. Since the publication of the Senate report in February 2012, which recommended that all states issue separate formal apologies, South Australia (July), NSW (September), Victoria (October), Tasmania (October), and Queensland (November) have also apologised. A 2000 NSW parliamentary inquiry into forced adoption supported an apology, but no action was taken by the NSW government until after the Gillard government committed to delivering an apology on behalf of the Commonwealth.

The state apologies have taken the form of parliamentary motions, with members of parliament from all sides of politics delivering speeches in support. The sentiments expressed by state parliamentarians have overwhelmingly reflected the progressive and politically correct arguments and assumptions of the Senate inquiry report. The influence the report has had on attitudes to the forced adoption issue largely accounts for the uniformity of parliamentary opinion. The texts of the formal motions of apology vary from state to state, but together with members' speeches, they provide an insight into social values and attitudes of the political class to child protection and adoption.

The apologies have operated on four levels. In general, they have expressed sincere regret, sympathy and acknowledgement for:

- the pain, suffering and grief of separated mothers
- the unethical and unlawful malpractices and duress to which some young and vulnerable women were subjected
- the societal attitudes that led to the stigmatisation of and discrimination against unwed mothers
- the flawed government policies not supportive of unwed mothers who had little choice other than to relinquish their babies.

Criticism of the 'less enlightened' social values and welfare policies of previous eras has put a contemporary edge on the significance of the apologies. Politicians committed to socially progressive views have seized on the opportunity to tolerate no dissent regarding complex and contentious social issues. This is typified by the speech of Alison Xamon, a member of the Western Australian Greens Party, who argued that the prejudice that 'drove these abhorrent practices' was not 'entirely dead' because:

Discrimination against women who raise their children out of wedlock and on their own are still very much alive and well. Those who peddle this hurt may not be stealing the babies anymore but they are still attempting to perpetuate the thinking that led people to think that it was okay, if not preferable, to steal these babies from their mothers.

According to Xamon, discrimination included the 'bogus' social science evidence that shows the children of single mothers do worse on average and are over-represented in child protection cases. This Xamon dismissed as merely the type of 'thinking that remains a painful hangover from exactly the same thinking that enabled the state and the churches to tear at the very heart of the mother-child relationship and to undertake the very behaviour that we are apologising for today.'⁷⁰

More surprising is the extent to which politicians from the Right of the political spectrum have expressed similar 'progressive' sentiments. For example, the Victorian Liberal Premier, Ted Baillieu, abjectly apologised for the health and welfare policies that 'did not provide or require support or attention for parents faced with a pregnancy out of wedlock.'⁷¹ Liberal NSW Premier Barry O'Farrell, echoed Baillieu's lament for the lack of 'care and support,' and went further by declaring, ahistorically, that it was:

... hard to fathom how these practices were allowed to occur when today in the twenty-first century we celebrate motherhood and family diversity in all its forms.⁷²

However, Baillieu and O'Farrell were outdone by the Liberal leader of the opposition in Tasmania in complying with politically correct attitudes to family diversity. Will Hodgman not only apologised for the lack of government support but also for the 'moralistic and judgmental attitudes that prevailed.' He also said it was naïve to think the old stigmas attached to single mothers had entirely disappeared, and hoped that repudiating such thinking was 'one of the lessons from today and for the future.'⁷³ Hodgman's shadow minister for child protection, Jacquie Petrusma, followed this up by declaring that 'enough support' must be given to single mothers so that child removal occurs only as a last resort. So that the 'lessons of history' were not repeated and another apology needed in the future, 'we must make sure that we do everything we can to keep mother and babies together, especially to support, nurture and encourage young single mothers.'⁷⁴

This sampling of parliamentary opinion demonstrates the degree to which the 'never again' sentiments of the anti-adoption movement have been incorporated into

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the apologies for forced adoption. This also illustrates the cognitive dissonance that expressions of support for family diversity have involved. Apologies have been made for stigmatising and failing to provide government support to single mothers, while implicitly conceding that single-mother families commonly struggle to adequately parent children and require support and 'more services.' The 'outdated conventional wisdom'⁷⁵ about the best circumstances in which to raise children that motivated the practice of forced adoption has been denounced, while studiously unmentioned has been the way the social consequences of the more 'enlightened' policies of our times have borne out the wisdom of traditional social values concerning marriage and the family. In sum, the state apologies have complied with the anti-adoption movement's demand that apologies not be 'undermined' because the idea that governments must continue efforts to support, not separate, problem families has been backed. Endorsed alongside the family preservation approach has been the taboo on adoption and the radical social worker view of the need for state-support to fulfil the 'right' of problem parents to parent, oblivious to how these flawed ideas have compounded the child protection crisis confronting the nation today.

Parliamentarians have the right to be critical of policies and practices they consider the misguided products of less enlightened times. They also have the right to condemn these as morally wrong, as some have so deemed forced adoption to be, in agreement with the Senate report, which recommended that the apologies contain no qualifications concerning contemporary values and judgments about children's best interests.⁷⁶ However, members of parliament also have a responsibility to face up to the consequences of the today's 'moral' and 'enlightened' policies. To allow the apology for forced adoption to morph into an uncritical and self-congratulatory celebration of family diversity is to practise easy moralism about the sins of yesterday while abrogating the duty of parliamentarians to promote social policies that advance the welfare of children. It is understandable that politicians are morally and politically intimidated by the thought of being accused of repeating past mistakes and 'stealing' children from devastated parents. But they should also realise that they themselves will be held to account by history for current child protection policies. Another apology may well be needed in the future—but this time to the damaged children not removed from unsafe families.

Reviving adoption

Despite the sensitivities created by the history of forced adoption, support for adoption has been gradually emerging in Australia in response to mounting concerns about the parlous state of child protection services. As noted above, the 2005 House of Representative inquiry into adoption concluded that 'adoption is currently being under-used ... and effort should be given to increasing the number of children who are adopted out of care.'⁷⁷ The importance of this recommendation has been highlighted since then by numerous official reports into the problems plaguing state and territory child protection systems.⁷⁸ A key recommendation of the 2011 Victorian inquiry into that state's child protection regime was that barriers to adoption of children from out-of-care should be identified and eliminated.⁷⁹ The NSW government released a discussion paper in November 2012 announcing plans to increase the number of children adopted from out-of-care.⁸⁰

However, support for adoption is still relatively weak compared to the institutionalised support for family preservation in child protection services. There is still a long way to go to lift the 'taboo.' Clear signals need to be sent to social workers, and strong political leadership by responsible ministers—armed with the facts about the causes and consequences of the child protection crisis—is necessary to ensure the 'support not separate' approach is superseded by the principle of early removal and adoption.⁸¹

We know, however, that most politicians prefer to lead only when they believe the community supports a particular policy direction. Hence, the national apology for forced adoption risks white-anting the drive for cultural change and undermining the fledgling support among policymakers for reviving the use of adoption for child protection purposes. Anti-adoption activists respond to recommendations that adoption be used to solve the child protection crisis by warning that this will repeat 'the mistakes of the past.'⁸² The prominence the national apology could give to the morally charged argument that says we should learn from the past and not repeat the harm done to separated parents and stolen children could potentially sway public opinion, and thus, policymakers. The sentiments expressed as part of the apologies delivered by the state parliaments have validated concerns about the use and abuse of the history of forced adoption to strengthen anti-adoption attitudes.

These tensions were recently exposed by the discussion paper on 'options for reform' released by the Queensland Child Protection Commission of Inquiry in October 2012. The commission's report cautiously raised adoption 'as one response' to provide children with stable and permanent families. The commission was cautious despite:

Empirical evidence [that] suggests that, compared with long-term fostering, adoption is favourable because it generates higher levels of emotional security, a greater sense of belonging and a 'more enduring psychosocial base in life for those [children] who cannot live with their birth families.'⁸³

This finding stands to reason given how damaging to children are the 'removal as a last resort' and 'removal/reunion treadmill' policies currently the norm. Significantly, however, the commission was reluctant to strongly support greater use of adoption primarily due to concerns about the 'historical practices of forced adoption in Australia,' and consequent doubts about whether adoption is a 'socially acceptable and appropriate 21st century option for children who are unable to remain with their family.'⁸⁴

Conclusion

The timidity displayed by the Queensland commission illustrates why the federal parliament must carefully consider the ramifications of how the nation says sorry and what it says sorry for. It must be cognisant of the potential implications for child protection policy, and be acutely aware that anti-adoption activists will portray the apology as repudiating all uses of adoption. If the federal parliament endorses the anti-adoption movement's loaded sentiments regarding the allegedly inherently harmful effects of adoption without qualification, the apology threatens to delegitimise adoption for child protection purposes, as the activists intend. The national apology could thus make it more difficult for the community to effectively address the serious problem of ever-rising rates of child maltreatment in the underclass.

The federal parliament must therefore exercise national leadership on child protection issues in the best interest of children, lest the apology casts doubts about the acceptability of adoption in twenty-first century Australia. The notion that all adoptions are harmful and illegitimate should therefore be explicitly rejected as part of the national apology. The appropriate and beneficial use of adoption to halt the growing scourge of child abuse and neglect should be endorsed instead.

This is to say that given the social realities of today, contemporary evils, and not just the sins of earlier times, need to be front of mind. This can be achieved by resisting the temptation to simplistically condemn previous generations for discriminating against unmarried women and mindlessly praise family diversity for the sake of political correctness. Instead, the negative consequences of the tolerant attitudes that

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have prevailed since the 1970s should be acknowledged. The federal parliament should recognise that progressive social values and welfare policies have proven anything but unalloyed social advances, and that the state-sponsored breakdown of the family has proven toxic for child welfare—as the over-representation of single-mother families in the child abuse caseloads demonstrates. This social disaster has been amplified by the ‘support not separate’ family preservation child protection policies that have enfeebled the community response to child abuse and neglect.

Child abuse has recently attained greater political prominence because of the ‘paedophile priest’ scandals in the Catholic Church. Media-led public concern about the mishandling of cases of abuse by faith-based organisations ultimately prompted the Gillard government (in November 2012) to establish a royal commission into institutional responses to child abuse. Scrutiny of the response of the Catholic and other churches, or lack thereof, to child abuse in institutional settings is overdue, but it is not only the churches that stand accused of ‘betraying the innocents.’ The chronic and institutionalised under-responding to child maltreatment by state and territory child protection authorities should also be scrutinised. The national apology for forced adoption provides an opportunity to examine what isn’t being done by government authorities to properly protect children.

The message of this report is almost certain to be misunderstood, deliberately so by the anti-adoption movement. There is no suggestion of whitewashing the past, nor of simplistically treating forced adoption as a necessary means to a justifiable end. The point of reviewing the social policy developments of the last half-century is to draw attention to the contemporary and verifiable bad consequences for child welfare of the ‘progressive’ attitudes that have prevailed since the 1970s. It’s time for us to acknowledge that many children in underclass families, including children in too many underclass single-mother families, would be better off being removed and adopted. If this message causes discomfort by recalling the history of forced adoption, it is better to disturb complacent social beliefs than continue to tolerate rampant dysfunction, abuse and neglect in the name of respecting family diversity.

The national impulse to say sorry for forced adoption is based on good-hearted sentiments. However, the controversial issues surrounding the apology and the use of adoption for child protection purposes cannot be ignored. The federal parliamentary apology needs to strike the right balance. It is appropriate to extend the nation’s sympathies to those hurt by forced adoption malpractices. But saying sorry must not illegitimise all uses of adoption, or else the national apology will set setback the cause of protecting children in this country.

It’s time for us to acknowledge that many children in underclass families, would be better off being removed and adopted.

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