



Submission to the Queensland Government Child Safety Commission of Inquiry

1. Background:.....	1
2. Lifelong Impacts of Adoption:.....	2
3. Recognition that Adoption is a Form of Out-of-Home Care:.....	2
4. Silencing of Adopted People:.....	3
5. Duty of Care:.....	3
6. Charter of Rights for an adopted person:.....	4
7. Human Rights for an adopted person:.....	4
8. Adoption is not evidence-based:.....	5
9. Funding for research on outcomes for adopted people:.....	6
10. Lifelong Support for Adopted People:.....	6
11. Simple Adoption:.....	7
12. Discharge of Adoption Orders:.....	8
13. Adding Fathers Name to Pre-Adoption Birth Certificates:.....	9
14. Integrated Birth Certificates:.....	9
15. Redress:.....	10
16. Conclusion:.....	10
17: Contact Details:.....	11

Adoptee Rights Australia (ARA) Inc. welcomes the opportunity to make this submission to the Commission of Inquiry into the Child Safety System.

This submission relates primarily to the following Term of Reference:

e. Reviewing Queensland legislation about the protection of children, including the Child Protection Act 1999 and Adoption Act 2009.

1. Background:

Adoptee Rights Australia (ARA) Inc. is a not-for-profit organisation, a registered charity, and is led by lived/living experience volunteers. Formed in 2018, it is the peak body and national advocacy association raising awareness of systemic inequity in adoption and providing support for adopted persons in Australia. ARA advocates for the human rights of adopted people to be restored and protected by promoting the examination of issues around the lived/living experience of adoption in Australia, and that any reform to adoption law and policy must be evidence-based.

We have made this submission because adult adoptees can provide critical perspectives on the impacts of living as an adopted person across their lifespan. Decisions made by adults in power on behalf of children must consider the rights and wellbeing of the adult they will become. Therefore, we implore the Commission of Inquiry to make it a priority to hear directly from adult adopted people and parents who lost children to adoption to ensure future reforms do not replicate past and present harms.

As you will see from the following, there are many inequities between the rights of the child and the responsibilities of the carers in the *Child Protection Act 1999* and the *Adoption Act 2009*. Children (and the adults they become) are worse off in every respect under the *Adoption Act 2009*.

2. Lifelong Impacts of Adoption:

Whilst child protection legislation tends to focus on childhood outcomes, it is critical to remember that adoption is a lifelong legal status that also impacts the adult that the child becomes and all future generations.

Key points:

Past practices that were apologised for in State and Federal “past Forced Adoption” apologies, including in Queensland, were centred around the question of mothers’ consent and illegal practices in obtaining infants for adoption. This approach relies on the premise that the existence and practice of adoption is acceptable in itself, and that adoption is to be condemned only when a mother has not willingly agreed to it.

But while most adult adopted people were adopted *because* of the disgraceful and often illegal past practices of acquiring and abducting infants from their mothers, it is clear from previous inquiries and the [AIFS National Research Study on Past Adoption Experiences](#), that the majority of issues being raised by adopted people about the harms they have suffered from *living adopted*, have not been adequately acknowledged, if at all. Among a myriad of other common lifelong effects, many adopted people suffer from:

- identity loss,
- attachment issues,
- feelings of non-belonging and lack of true acceptance in either family,
- psychological damage and ongoing mental health challenges,
- lack of family health information exacerbating physical and mental health issues.

This is at the same time being the subject of draconian, anachronistic, and arbitrary legislation. The human rights issues within the *Adoption Act 2009* will be discussed in this submission.

3. Recognition that Adoption is a Form of Out-of-Home Care:

Adoption is not recognised as a form of out-of-home care and is not considered an institution despite adoption being selected for a child and enacted by the Queensland Government.

Adopted people who were sexually abused by their adoptive parents were excluded from giving evidence to the *Royal Commission into Institutional Responses to Child Sexual Abuse*, whilst children who were in the out-of-home care system were eligible. Adoptees do not have recognition

for their suffering, nor qualify for support or redress. Similarly adoptees were unable to give public evidence to the *Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability* due to their adoption status.

The inability for adopted people to give public evidence is a result of the Adoption Act 2009, Part 15, 315 Publishing identifying material.

Recommendation:

- Recognise adoption as a form of state-facilitated out-of-home care and include adopted people within redress schemes.

4. Silencing of Adopted People:

The *Adoption Act 2009* prevents a person who is a party to an adoption from being [identified](#). An adopted adult telling their story – or even identifying as an adopted person – *by television, radio, the internet, newspaper, periodical, notice, circular or other form of communication*, exposes themselves to the risk of potential criminal charges, fines, and a jail term. The current penalty for an individual is 100 penalty units (\$16,690) or 2 years imprisonment. A corporation faces a penalty of 1000 penalty units.

Journalists are forbidden to identify a person as being adopted. The public are unaware that neglect, abuse, and filicide are committed by adoptive parents, whereas children in the foster / out-of-home care system who experience neglect, abuse, or are murdered at the hands of their carers are widely reported upon.

Key points:

- If an adopted child is neglected, abused, or murdered by their adoptive parents, the post-adoption birth certificate hides the fact that they are not living with their biological family. This increases the risks to an already vulnerable child.
- Biological family are not notified, nor are they re-assessed for their current capacity to resume parental responsibility for their child.
- It is not captured in any government data on the outcomes for adopted people that this has occurred.

Recommendation:

- Remove the discriminatory "gag laws" mentioned above, in the same way that gag laws preventing sexual assault survivors from identifying themselves in the media were removed.

5. Duty of Care:

Whilst children in the Child Safety System are protected by a Duty of Care, no such protection exists for adopted children.

Adoptive families are subject to all the same issues as any other family. Their circumstances can change greatly from one year to the next including divorce, major illness or injuries, addictions, death of one or both adoptive parents, unemployment, financial strain, or domestic and family violence.

Whilst the *Child Protection Act 1999*, [Chapter 4, Part 1 Standards of care, 122 Statements of Standards](#) requires the Chief Executive to take steps to ensure a child placed in care is cared for in a manner that meets this Statement of Standards, no such protections exist for adopted persons in the *Adoption Act 2009*.

It is unclear how many adoptive placements fail due to relationship breakdown, neglect, or abuse by adoptive parents as this data has never been collected or reported under the *Adoption Act 2009*.

Recommendation:

- that adopted persons files remain “active” with the Department responsible for Child Safety until they are 18 years old, so if they are neglected or abused by their adopters and come to the attention of Child Safety it is flagged on their file that they are not living with biological relatives.
- the Coroner include adoption status in reporting all cases of filicide.
- data and statistics be recorded and reported on the number of adopted people who are in the Child Safety system.

6. Charter of Rights for an adopted person:

Under the *Child Protection Act 1999*, the [Charter of Rights for a child in care](#) recognises the State's responsibility for a child.

Under the *Adoption Act 2009*, there is no Charter of Rights for an adopted child outlining either the states or the adopters responsibility to an adopted person in their care.

Recommendation:

As adopted people are not protected by a Duty of Care or a Charter of Rights, ARA calls for:

- the creation of a state Ombudsman or similar to advocate for adopted individuals and to collect information to drive systemic change.
- creation of a Child Advocate to represent and support the adopted person until they turn 18 years old.
- the inclusion of and funding for lived/living experience adoption advocacy representative organisations in all adoption issues.
- an advocacy framework be developed to ensure adoptee voices are heard.
- the fundamental guiding principles of accountability, transparency, consultation, and inclusion must be adhered to.

7. Human Rights for an adopted person:

Despite the far reaching consequences adoption can have on an individual's fundamental freedoms, it is rarely examined through a human rights lens in Australia. While forced adoption has received some scrutiny, adoption itself - and the legislation that governs it - has largely escaped critical analysis.

Assessing adoption through a human rights framework creates the possibility of an objective examination of its validity, rather than treating adoption as a matter of personal opinion, or

preference. The unexamined assumption in this treatment is that there couldn't be any problem with adoption itself – it just needs to be done right.

Research by Haylee Grant into the human rights of adult adoptees in South Australia was undertaken in March 2025. In the report, [‘The Human Rights of Adult Adoptees in South Australia. A Review of the Provisions of the Adoption Act 1988 \(SA\)’](#) Haylee shifts the focus of adoption from individual narratives to a rigorous analysis of the legislative framework itself, through a human rights lens.

In her opening paragraph, she states *that state-ordered adoption, as it is currently framed and regulated under the Adoption Act 1988 (SA), cannot fully uphold the human rights of adoptees*. She goes on to recommend:

A moratorium on adoptions under the Act is recommended as a transitional measure while pursuing the broader goal of phasing out adoption entirely in favour of alternative family care models. Adoption as a legal construct inherently fails to uphold key human rights principles, including autonomy, identity, and consent. Even with significant legislative amendments, adoption’s foundational framework continues to conceptualise adoptees as children, restrict their autonomy as adults, and impose legal ties without their consent. A moratorium would acknowledge these limitations and aims to prevent further harm while creating space to develop alternative systems of care that better align with contemporary human rights standards.

Recommendation:

- That similar research on the *Adoption Act 2009* be undertaken as a matter of urgency to inform any changes to current legislation, policy, and practice.

8. Adoption is not evidence-based:

The *Child Protection Act 1999*, [Part 2, Division 2, Section 7, Chief executive’s functions](#) sets out the responsibilities of the chief executive including:

- (r) collecting and publishing, or helping to collect and publish, information and statistics about—
- (i) harm to children; and
 - (ii) the life outcomes of children in care; and
 - (iii) the relationship between the criminal justice system and the child protection system; and
- (s) promoting and conducting research into—
- (i) the causes and effects of harm to children; and
 - (ii) the life outcomes of children in care; and
 - (iii) the relationship between the criminal justice system and the child protection system; and
- (t) encouraging tertiary institutions to provide instruction about harm to children and its prevention and treatment.

No such information or statistics are collected, or research conducted into the lifelong outcomes for adopted persons.

Recommendation:

In addition to the above mentioned information and statistics, ARA recommends that the following data also be collected and published:

- failed/disrupted adoptions,
- discharges of adoptions,
- adopted people who suicide,
- adopted people in the Child Safety system due to abuse or neglect by their adopters.

A peer-reviewed longitudinal research study must be carried out into the outcomes for adopted people across their lifespan to ensure that any changes to legislation, policy, and practice are evidence-based.

Ongoing support services for people impacted by adoption must be informed by both lived/living experience, and the data that underpins it.

9. Funding for research on outcomes for adopted people:

There has been minimal research in Australia on outcomes for adoptees over their lifetime, yet overseas studies suggest that people who are adopted are over-represented in:

- suicidal ideation, suicide attempts and death from suicide,
- alcoholism and substance abuse,
- homelessness, and
- incarceration. [1]

In one of the few Australian studies, the [Australian Institute of Family Studies](#) (AIFS) found that adopted people are more likely to experience “*mental health disorders, poorer wellbeing, higher psychological distress*”; that they encountered “*problems with attachment, identity, abandonment and parenting their own children*”; and, “*almost 70 percent*” of the adopted individuals who participated in the study agreed that, “*being adopted... had a negative effect on their health, behaviours and/or wellbeing while growing up*”, regardless of whether the experience with their adoptive families “*was positive or negative*”. [2] This study shows there is a great need for further research on this vulnerable Australian population. No further research was done, and this study has been archived.

[1] Petersen et al., Excess Mortality Rate During Adulthood Among Danish Adoptees, (2010); Keyes et al., Risk of Suicide Attempt in Adopted and Non-Adopted Offspring, (2013)

[2] Kenny, Higgins, Soloff and Sweid, Past Adoption Experiences: National Research Study on the Service Response to Past Adoption Practices: Final Report, (2012)

Key points:

- Currently, decisions around adoption policy and service provision are not evidence-based.
- Data about the thousands of adopted people who approach government and non-government service providers every year is not collected nor reported upon.
- Outcomes over the lifespan are not linked to adoptive status.
- Data collection, data linkage, and further research needs to be carried out to provide an evidence base for decisions on service provision and policy around both past and current adoptions.

Recommendation:

ARA requests that the Queensland government:

- In consultation with adopted people, they commit to funding various forms of research and the inclusion of data collection in all aspects of contact with adoptees, including a commitment to undertaking current and retrospective data linkage projects.
- Provides incentives which encourage the study of adoption in Queensland (with provision for affirmative action like scholarships for those with lived/living experience of adoption).
- Adoptee death by suicide statistics are monitored and reported in the *Australian Institute of Health and Welfare's Suicide and self-harm monitoring*.

10. Lifelong Support for Adopted People:

Competent, adoptee-aware mental and physical health care and social support services are extremely limited for the current cohort of adopted people. Adoption is not acknowledged as a risk factor by many health and human services professionals, despite its recognition as such in the Australian Institute of Family Studies 2012 report into [Past Adoption Experiences](#).

When asked whether they believed being adopted had had any effect on their health, behaviours or wellbeing while growing up, 69% of adoptee survey respondents agreed (see Table C2). (Six per cent did not know they were adopted until they were an adult, so could not respond to this question.)

Several international studies over more than 30 years have often cited that adopted people are between 3.6 and 4 times more likely to attempt suicide than a non-adopted person. A 2026 article [Long-Term Mental Health Effects of Mother–Child Separation Due to Adoption](#) by Lynn Roche Zubov that collected data from 1313 adoptees found that *adoptees are significantly more likely to attempt suicide (35 times), abuse alcohol, display hypersexual behaviors, and restrict their eating compared to their peers*. It goes on to say that *adoptees expressed experiencing trauma from their separation from their first mothers, regardless of the quality of their adoptive parents. The findings also highlight the negative impact of the secrecy surrounding adoption*.

These results support what ARA is hearing from our members - that the older they get, the harder adoption gets. The losses compound, the grief and sadness grows, and their resilience diminishes.

It is vital that the support needs of the current cohort of adopted people be quantified and fully responded to before any attempt to increase numbers of adoptions.

Recommendation:

- Acknowledgement that adoption causes lifelong harm and is not the fairytale solution that it is commonly portrayed as being.
- Adoption status data is collected by Queensland Government agencies including Health and Ambulance Services, Justice, Corrective Services, Housing, Domestic and Family Violence, Mental Health, Drug and Alcohol Treatment to provide evidence that adopted people are over-represented in these populations and to inform future interventions.
- Expand government funded therapeutic mental health support to include a range of therapy types and providers, beyond the current Forced Adoption Support Service counselling service.
- As adopted people often have no or limited access to their family health history, ARA recommends that they be offered free of charge the option of comprehensive genetic DNA testing.

11. Simple (Additive) Adoption:

The current form of adoption in Queensland is Plenary (Subtractive) Adoption which results in the adopted person's name and identity being changed, their birth certificate cancelled and an amended birth certificate issued showing the adoptive parents gave birth to the adopted person, and the permanent severing of legal ties with their mother, father, siblings, and extended family.

Simple/Additive Adoption allows the child to retain their name, identity, birth certificate, and legal connection to their family while forming a new legal relationship with the adoptive family. The end result is that the natural family and adoptive family maintain a lifelong legal relationship with the adopted person.

However, as detailed in our points above, when children are moved to the *Adoption Act 2009* from care orders under the *Child Protection Act 1999* they lose the protections and rights provided under the *Child Protection Act 1999*.

Changing a child's name and identity and legally severing them from their family should not be pre-requisites for permanency of care. The current Permanent Care Orders provide a stable and secure family arrangement for a child requiring care and is ARA's preferred option. ARA does not support any form of adoption for children in the out-of-home care system.

Recommendation:

- preference permanency options that preserve identity and kinship such as Permanent Care Orders,
- avoid re-introducing or expanding Plenary/Subtractive Adoption as a child-protection response.

There has been a call to preference adoption as the last option for all children - not only for First Nations children. If this were to occur, and Simple/Additive Adoption introduced, the ability of an adopted person to obtain a no-fault discharge of their adoption must also be introduced .

In addition, a Duty of Care and Charter of Rights for adopted people must also be introduced to the *Adoption Act 2009*.

12. Discharge of Adoption Orders:

"Nowhere else in law are competent, adult citizens permanently legally bound to contracts they did not sign and do not agree with. (Julie Kelly. Choosing Adoption. Or not. 2014)."

The Queensland government representatives make the decision as to whether adoption is the appropriate option for achieving permanency for a child in care. This is a decision imposed upon the child at an age where they are unable to give truly informed consent to the legal name and identity changes and family severance.

Once an adopted person reaches adulthood and gains awareness of the impacts of the loss associated with these changes, many want to return to the identity they were born with and reinstate their legal connection to their family.

The current *Adoption Act 2009* [Part 9 Adoption Orders, Division 7 Discharge of Final Adoption Order, 219 Grounds For Discharge](#) does not allow an adopted adult the right to choose for themselves the name and identity they wish to live with.

Despite an Adoption Order being made in the Childrens (District) Court, an application for Discharge is elevated to the Supreme Court. This is seen by many adopted adults as discrimination and an onerous burden.

Notwithstanding all the apologies, there has been no corresponding action by the state government on following the requirement of the [United Nations Convention on the Rights of the Child](#) (UNCRC):

Article 8 (2): that where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to re-establishing speedily his or her identity.

Recommendation:

- ARA recommends that the *Adoption Act 2009* legislation be amended to provide adopted adults a no-fault discharge of their adoption through a District Court process.
- Shift the focus from requiring some form of exceptional circumstances (and the need to assign blame), to support for the rights and autonomy of the adopted person, and the facilitation of a smooth transition back to their original identity.

13. Adding Fathers Name to Pre-Adoption Birth Certificates:

ARA advocates for a simplified process to add fathers' names to pre-adoption birth certificates as was recommended in The Senate Inquiry into [Commonwealth Contribution to Former Forced Adoption Policies and Practices](#).

Whilst they recommended that the process be administrative, adopted people still face many barriers:

- inconsistent advice and responses from frontline RBDM staff,
- applications typically must be initiated by the mother which can be difficult if the adoptees mother is deceased or estranged,
- if adoptees initiate the application, the burden of evidence can be onerous and costly.

Recommendation:

- Enable adult adopted people to apply to add their father's name to their pre-adoption birth certificate based on standardised evidentiary requirements.
- Provide RBDM staff with training to provide trauma-informed assistance and advice.
- Waive fees for the application process and issuing an updated pre-adoption birth certificate.

14. Integrated Birth Certificates:

The Senate Inquiry into [Commonwealth Contribution to Former Forced Adoption Policies and Practices](#) also recommended that *all jurisdictions adopt integrated birth certificates, that these be issued to eligible people upon request, and that they be legal proof of identity of equal status to*

other birth certificates. This is despite their being no submissions to the Inquiry that actually requested an Integrated Birth Certificate (IBC)

Some of ARA members state that an IBC will give them a document that reflects their relationship with both sets of "parents" i.e. their mother and father, and the adoptive parents. An acknowledgement of their life story.

For others, it is an insult for their birth certificate to show their adopters name (who had no involvement in their birth). Many want their original birth certificate with their name at birth and biological parentage to be the only details on their birth certificate, and an adoption certificate providing the details of their adoption. This is similar to the way a woman would use her birth certificate and marriage certificate together to show her legal identity.

ARA supports the choice of adopted people about the type of certificate they prefer.

15. Redress:

The 2012 Senate Inquiry into the [Commonwealth Contribution to Former Forced Adoption Policies and Practices](#) recommended that appropriate redress be offered, and the establishment and funding of financial reparations schemes including the institutions that had responsibility for adoption activities.

Victoria (2024) and Tasmania (2025) have established state-based forced adoption redress schemes that acknowledge and compensate mothers with financial payments, counselling, and individual apologies. A 2025 report in Western Australia recommended they also participate in a redress scheme for mothers. Regrettably, none of these schemes have included adopted people or fathers.

The Queensland Government Apology in 2012 for [Forced Adoption Policies and Practices](#) acknowledges the wrongs that were inflicted and the illegal acts that were perpetrated when mothers' babies were taken and hidden from them, and the immeasurable pain caused.

Yet, despite this, the Queensland Government is yet to implement a redress scheme to provide tangible reparation for these injustices.

Recommendation:

- ARA strongly recommends the introduction of a redress scheme to include mothers, fathers, and adopted people.
- The redress scheme includes financial payments as recognition of the state's role in arranging and administering these practices.
- It provides funded access to therapeutic mental health services to include a range of therapy types and providers, beyond the current Forced Adoption Support Service counselling service.
- Offer restorative justice options, including individual apologies both in writing and in-person.
- Establish an independent governance body including lived/living experience representatives to oversee delivery, accountability, and evaluation.

A redress scheme would not only offer long-overdue justice to those affected, it also affords the opportunity for truth-telling, acknowledgement of their suffering, and healing.

16. Conclusion:

The Child Safety Commission of Inquiry and its review of the *Adoption Act 2009* provides an opportunity to scrutinise the past and present consequences, deficiencies, and human rights implications of adoption. Decisions made by adults in power on behalf of children must consider the rights and wellbeing of the adult they will become.

There is an absence of evidence to support the theory that adoption of children from out-of-home care is in their best interest. The legal severance and records falsification of adoption causes lifelong harm that is not resolved by the use of "open" adoption ideology. Permanent Care Orders provide stability without identity erasure or severance.

Adoptee Rights Australia does not support any reforms that will enhance the ability for children in out-of-home care to be adopted.

We welcome the opportunity to participate in the design and implementation of any reforms to either the *Child Protection Act 1999* and *Adoption Act 2009*.

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