

was provided free of charge by friends or relatives), those who did have to pay for this service reported costs ranging from an average of \$20 per week for after-school care, to an average of \$40 per week for all-daycare. The range was from \$5 to \$70 per week. In those cases where the service included household assistance such as cleaning or washing, the costs were far greater still.

If the children become ill, forcing the father to take time off from work, he may find himself in an even more difficult financial bind. In some cases this might endanger his employment.

So while the costly issues of daycare and home help may be similar for both female and male single-parent families, the options currently available for males are severely restricted. This is an area that could use some new policy initiatives.

The popular press, as well as material presented in professional journals, have suggested that fathers can raise their children successfully by themselves. If one was to take the incidence of reported difficulties as an index, then clearly this study supports this contention. However, I would prefer to take a more guarded view. While there is nothing in this study to support a view that fathers cannot be successful lone fathers, a number of issues do suggest the need for further research in this particular area. I base this on a number of findings which, while not clearly related to one another at first glance, may require further in-depth inquiry. Mendes points out the lack of role clarity for lone fathers (Mendes, 1976). One would expect that any father who fought to have custody of his children would be reluctant to admit to not being able to cope. Yet in this study 37.2% did just that. While this is not a large percent, one must be careful not to label it as a sign of success. Couple this with the fact that almost 70% of those who admit to having problems also have attempted to obtain help. Perhaps a part of admitting one is having problems is the decision to get help. In other words, some fathers may not be willing to accept even to themselves that there are problems until they have also come to the point of being willing to search for help.

Another element is important here and must be underlined. In Australia

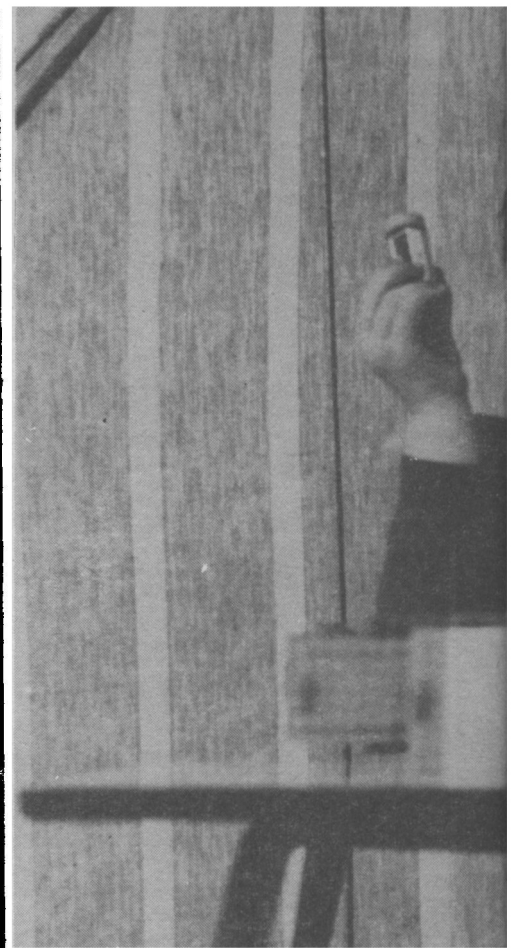
the cultural norm is for males not to complain or seek help, particularly for personal problems. This is communicated to boys in school as part of the socialization process and is personified in the male theme in Australia of "I'm all right, Jack." Given these expectations, it is somewhat surprising to find anyone admitting to problems. The point here is that we really may be seeing only the tip of the iceberg. Other researchers have reported the need for intervention with children during and after the divorce process and I would suggest that we do not have enough information yet to determine whether the outcomes are fully positive or not (see Wallerstein above).

As a related sub-theme to the question of problems, one must examine the efficacy of the intervention efforts focused on these problems. It is interesting to note that of those fathers who did seek help, professional help was not rated very highly. In fact, as often as not, the help was rated as not very useful or as a waste of time (46% for social workers, 43% for medical personnel, 60% for religious leaders). Some clues to the reason why the help offered was perceived as less than helpful may be found in the statement made by 48% of the fathers that school authorities had no understanding of what it meant to be a lone father. Clearly this suggests to me that some training is necessary for all professionals to help them understand the unique needs of lone fathers and their children.

CONCLUSION

This paper has suggested that the lone father phenomenon is one that is growing and will continue to grow in the future. It also contends that the lone father is a unique individual, who may share some commonalities with female lone parents, but who also has a series of unique and poorly understood needs (poorly understood, that is, by the community and professionals). The research supports the idea both of raising further inquiry into the question of single-parent, male-headed families, as well as of structuring new policy initiatives and interventions in support of the lone father and his children.

REFERENCES:
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The U.S. Department of Health, Education and Welfare has just released for comment a Model State Adoption Act. Graeme Gregory, recently returned from a visit to the U.S., discusses the document against the background of adoption legislation and practice in Australia.

The number of children placed for adoption in Australia (and in virtually all other countries) in the 1970's was infinitesimal compared with the number placed in the 1960's. Nevertheless, we enter the 1980's with adoption remaining a major subject for public scrutiny and discussion. Several factors contribute to this interest. Adoption in the one "welfare" activity that touches the lives of the "non-welfare" public, in that it is still seen (unrealistically) as the first alternative for childless couples wanting a family.¹ The decrease in babies needing adoption reduces the number of couples who can look to adoption as a means of having a family and increases the public interest in this "rare



TREATING ADOPTEES AS PERSONS

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commodity". Two Australian Conferences on Adoption (1976 & 1978)² brought together for the first time in this country the various parties involved in the adoption process, generating intense and ongoing examination, discussion and debate. The secrecy of the adoption process has been called into question, particularly by adult adoptees deprived of any information at all concerning their origins.

At the same time, the potential of adoption as a means of meeting the needs of a broad spectrum of children (other than well babies) is being recognized. Children with severe physical and intellectual disabilities, children with severe behaviour disorders, adolescents, and others still considered by many as "unadoptable" are, in fact, being adopted.³ Such adoptions in the United States are currently one element in the growing concern that children need "permanency" — that too many children, separated from their own families, are allowed to drift along in substitute family care in a state of "permanent impermanence".

The indignation that has given rise to specialist adoption agencies such as Spaulding For Children in the U.S.A., and Parents for Children in England has not been markedly evident in Australia. Here we still await strong community advocacy for such children, although some State and voluntary agencies have commenced so-called "Special Needs" adoption activity. In the meantime, children in Australia also wait in permanent impermanency. In a survey of children in non-government Children's Homes and Foster Care in Australia, 37% of the 5690 children had been in care for 3 or more years; 13% — 739 children — had actually been in care for more than 7 years!⁴

ADOPTION LEGISLATION

It is against this general background that legislation controlling adoption is being reviewed and amended in Australia and other countries. Current Australian State and Territory Adoption legislation was enacted in the period 1964-1970.⁵ While

subsequent amendments have been made to most Acts and Ordinances, no complete revision has been made. Australian Adoption legislation is inadequate for the 1980's in that it does not address itself to current adoption issues and practice, identified above.

As Fopp points out⁶, under the Constitution, adoption is not a matter on which the Commonwealth has power to legislate, therefore there cannot be at present, one Act for the whole of Australia. However, various State Acts were originally intended to be uniform, even if only in the sense that major provisions were not to be changed without the agreement of all States. An examination of amendments to the various Adoption Acts, must throw into question whether the intention of uniformity is still being upheld.⁷

At the 1976 Constitutional Convention held in Hobart, a majority of delegates agreed to the principle of the referral of adoption powers to the Commonwealth, i.e. to voluntarily hand over State powers to enable one authority to exist for the whole of Australia. However, the actual situation has not changed, and at least one State, Victoria, has a committee currently reviewing Adoption Legislation with a view to making recommendations for future State legislation.⁸

U.S. MODEL ACT

What issues should be dealt with in Adoption Legislation that would make it appropriate to meet the needs of current practice (and, hopefully, practice through the 1980's)? A document released for public comment in February, 1980, by the U.S. Department of Health, Education and Welfare could well give an answer to this question. As the result, the work of an independent expert panel, recommendations on a Model State Adoption Act and Model State Adoption Procedures have been drafted.⁹ The comment period closed on May 16, 1980, and the Department will prepare and issue the final Model State Adoption Act and Procedures in the light of public comments on the Panel's recommendations and after further consultation with the Panel.

It must be emphasised that the document under discussion is currently in draft form only, and even in its final form must be accepted and enacted by individual States. It can therefore be expected that eventual

legislation could well modify many aspects of the draft. Nevertheless, the draft Model Act and Procedures warrant study in Australia as representing responsible and authoritative response to adoption needs of the 1980's.

The Model State Adoption Act is the first comprehensive adoption law developed under Federal sponsorship in the U.S. Designed to address the many facets of the adoption process, the Model Act places particular emphasis on the adoption of children with special needs.

Philosophically, the Model Act approaches the act of adoption as a service to a child. It also, however, recognizes the importance of adoption to the child's natural parents and adoptive parents — the other parties whom adoption also serves.

POLICY AND PURPOSES

An outline of the policy and purposes of the Model Act appear in section 101:

“(a) It is the policy of this state to respect and facilitate the care and upbringing of children in family units consisting of parents and their birth children. Some children, however, may not have the opportunity for a permanent home and familial relationship with their birth parents. It is found and declared to be generally true that adoption is the optimal means of providing these children with the stable and nurturing environment of a permanent home, and that vesting legal guardianship in a de facto parent is the best alternative for those children for whom adoption is not desirable or possible. It is further declared that the termination of parental rights and adoption services to children, and public policy requires that these services be governed by substantive laws and procedures which are administered by highly qualified staff, supported by adequate funding, and provided at reasonable fees. These laws and procedures are intended to protect the rights of all parties involved, but when conflicts arise between the right of the adoptee and of others, the rights of the adoptee shall prevail.

(b) In keeping with the above Preamble, the purpose of this Act are:

1. to provide that each child in the state who needs adoption services receives such services;
2. to provide procedures and services which will safeguard and promote the best interests of each child in need of adoption and which will protect the rights of all parties concerned;
3. to provide prompt legal proced terminating parental rights after the birth parents have been provided or offered appropriate services and cannot or choose not to care for their child;
4. to remove obstacles to adoption, particularly adoption of children who are waiting because of age, race disability, or need to be placed with siblings, in order to enhance the opportunities in family life for all children whose birth parents' rights have been terminated.
5. To establish a system which will identify each child in need of adoption services, and which will monitor and assure that such services are provided;
6. To assure that quality adoption services are provided by establishing and furnishing the means to administer licensing standards which will be equally applicable to public and voluntary agencies;
7. to encourage and utilize the desires and capabilities of persons who are willing to assume the responsibilities and accept the privileges of parenthood toward children not biologically their own;
8. to provide financial assistance which will make it possible for children who are waiting because of age, race, disability, or need to be placed with siblings to be adopted;
9. to assure that the adopted person's biological heritage is recorded, preserved, and made accessible; and
10. to assure that any expenses or compensation paid in connection with adoption

proceedings and services are reasonable and do not exceed the cost of the service provided”.

The spelling out of the implications of the policy and purposes indicate a revolution in what has been previously known as “adoption”.

“OPEN” ADOPTION

The proposed law permits the natural parents, the adoptive parents, and the child if old enough, to enter into a written agreement providing for the child's continuing contact with the natural parents. The implications of such “open” adoption are discussed. These implications may include the possible confusion of a young child over the roles of two sets of parents or of two mothers, or the potential for avoiding the frustration of a child who, when he reaches adolescence decides that he wants to meet his natural parents before he attains his majority.

It is pointed out that the agency has a responsibility to explore with older children their ideas and feelings about such an agreement. “For some children, having a relationship with their birth parents provides a sense of continuity, acceptance, and realistic understanding of adoption.”¹⁰

ELIGIBILITY OF APPLICANTS

“Good practice dictates that adoption first be explored with foster parents who have provided a stable, nurturing home for the child and who have a psychological commitment to the child; the Act requires that foster parents not be excluded from consideration as adoptive parents.

“Since the goal is to provide the child with a stable, nurturing home and since the field of social work acknowledges the validity of a variety of parenting styles, agencies cannot restrict the eligibility of applicants solely on the basis of such factors as age, race, marital status, income, religion, employment, physical conditions, or disabilities, or number of children already in the family.

“Because of the need for flexibility in determining which families can meet the needs of individual children, all applicants deserve consideration. Rigid, arbitrary eligibility criteria eliminate opportunities for children to benefit from the experience of family life. Therefore, the maintenance of such restrictive criteria by an agency cannot be justified.”¹¹

PUTATIVE FATHERS

Unlike most Australian Adoption Legislation, the Model Act acknowledges the existence of a child's father and not merely his mother. Under the proposed Model Act, prior to the placement of a child for adoption the rights of any man named as a putative father must be terminated. The father may take one of four courses of action:

- * He may disclaim paternity of the child, in which case he has no further with respect to the child.
- * He may relinquish the child to an agency.
- * He may file a petition for the voluntary termination of his parental rights.
- * He may file an Intent to Take Custody of the Child, in which case the court will hold a hearing within 15 days to adjudicate paternity.

ACCESS TO INFORMATION

The thrust of the proposed Model Act favours openness of agency records within the confines specified by law, and places the burden on the agency to justify nondisclosure of information. Protection of privacy is allowed for through deletion of identifying or personal information, such as sexual difficulties or infertility. The Model Act clearly states that an adoptive parent may not be given the name of the natural parent, nor may the natural parent be given any identifying information about an adoptee and his adoptive family. **It is emphasized, however, that it is not a violation of the law to reveal the parent's identity to their adult son or daughter.** It is proposed that all these provisions be applied retroactively.

The Model Act allows access to records of proceedings by those who were parties to the proceedings: natural parents and adoptees have access to the original birth certificate, natural parents and adult adoptees have access to court and agency records of the termination of parental rights proceeding, adult adoptees and adoptive parents have access to court and agency records of the adoption proceedings (Title 5).

The document discusses fully the panel's reasons for recommending access to records. The point is stressed that adoption, as a positive process designed to provide children with loving and stable homes, does not inherently require secrecy.

The Model Act bases adoptee access to the birth certificate and the court records of adoption on a three-pronged rationale:

1. Of all the persons involved in the adoption process, the child being adopted has the least control over the decisions made and procedures agreed upon. Hence, it is deemed unjust that in the inevitable balancing of rights and interests which must occur in every record-access dispute, the adoptee is deprived of a right, while the rights of the more "responsible" parties are protected.
2. The policy that adoption is a service to adoptees, and the the Model Act Preamble's guiding principle that when irreconcilable conflicts arise, the adoptee's rights should prevail.
3. The interests of adoptive parents, natural parents, and the State in keeping records sealed, are of less stature than the adoptee's interest in the personal growth and identity which can result from his encounter with the physical source of this being, a reunion which will be facilitated by the adoptee's inspection of his original birth certificate.

SUBSIDIZED ADOPTION

Through public financial subsidy, the Model Act assures the adoption of every child who might not be adopted without such a subsidy. It is provided that this subsidy, where paid, shall continue so long as the child is the legal dependent of the adoptive parents and the child's condition continues, unless the adoptive parents request otherwise.

CONCLUSION

All Australian Adoption Acts state that in the implementation of the Act (or parts of it, in some States) the interests of the child shall be paramount. In spite of this, it is this writer's personal belief that our present Adoption Acts are not, primarily, about adoptees, but primarily about adoptive parents. The proposed U.S. Model Adoption Act and Model State Adoption Procedures, should be examined by authorities in all Australian States and Territories as giving an indication of the potential for legislation that, first and foremost, treats an adoptee as a person.

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2. Picton, C. (ed.) *Proceedings of First Australian Conference on Adoption, 1976* Picton, C. (ed.) *Proceedings of Second Australian Conference on Adoption, 1978.*

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4. *National Survey of Non Government Children's Homes and Foster Care* — current project of the Children's Bureau of Australia. Report to be published 1980.

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6. *Ibid.*

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9. *Federal Register*, Vol. 45, No. 33/February 15, 1980/Notices: "Model State Adoption Act and Model State Adoption Procedures; Request for Comment" (Washington D.C.: U.S. Government Printing Office).

10. *Ibid* p. 10625.

11. *Ibid* p. 10628. ●