

ADOPTION NEWS AND VIEWS

APRIL 2010

2010/2

Adoption News and Views is a quarterly newsletter which aims to provide information about adoption of children and about any legal and policy developments affecting adoptees, birth parents or adopters. It will also provide progress reports on efforts by individuals and groups pressing the government to give a higher priority to enacting new legislation to replace the out of date Adoption Act 1955 and to bring the Adult Adoption Information Act 1985 and the Adoption (Intercountry) Act 1997 into line with the Convention on the Rights of the Child and the anti-discrimination provisions in Human Rights Act 1993 and NZ Bill of Rights Act. 1990.

Newsletters will be sent out four times a year. Back issues can be sent by email on request. The main purpose of the newsletter is to provide up-to-date information on current NZ adoption law and policies and on any proposed changes. Adoption reform initiatives overseas will also be covered. It is hoped that the Newsletter will also provide a forum for people to discuss adoption issues. Reviews of books, films etc touching on adoption are invited.

Adoption News and Views is sent to you because you are believed to be a person interested in adoption. If you do not want to receive further issues you should reply to this email indicating this. If you know of others who would like to receive future issues or you or others would like to submit information or views for inclusion in the next newsletter you can reply to this email or ask interested others to do so.

While the aim of this newsletter is to provide an open forum for people interested in adoption issues, the editors reserve the right to decline or abridge any contributions offered.

Robert Ludbrook
Susan Marks Editors

Editorial

The focus of this issue of *Adoption News and Views* is on birth parents. The Adoption Act 1955 reflects attitudes prevalent in the 1950s that unmarried women who became pregnant were best assisted by being pressed into placing their child for adoption thus allowing them to avoid the stigma of conception outside marriage and at the same time rescuing their child from the taint of illegitimacy and the misfortune of being cared for by a woman who had no assured financial support and who suffered the opprobrium and prejudice of being an unmarried mother. When the Adoption Bill was being drafted the Child Welfare Division proposed that the mother's consent could only be given when the child was six weeks old (as was the position under British adoption law) but the period was reduced to ten days under pressure from lawyers and mother and baby homes who argued that bonding with the

adoptive parents would be more difficult if the child was not placed in their care as soon as possible after birth. The ten day period is much shorter than in other countries and it can result in birth mothers who are still affected by hormonal changes resulting from childbirth and lactation and often subject to pressures from their parents, the father of their child or agencies offering help to unmarried mothers. Some mothers are children themselves and being asked to make what is most likely to be the most important decision of their lives within ten days of giving birth is today seen as unreasonable and not conducive to the making of a voluntary and considered decision.

In Australia there has been growing awareness over the past decade of illegal and unethical practices inducing unmarried mothers to agree to the adoption of their child. There have been public inquiries into past adoption practices in New South Wales and Tasmania and the Federal and some State governments are considering making a public apology to the women affected. In New Zealand a Parliamentary Committee in 1996 strongly recommended that an enquiry be held into past adoption practices but this was not implemented and there is little New Zealand research on the topic. Books such as Josh Shawyer *Death by Adoption* (1979), Anne Else *A Question of Adoption* 1991 and Leigh Langridge's research thesis *Adoption: The Birth Mother's Experience* (1984) include moving accounts by birth mothers of their experiences but these works are out of print or unpublished.

At the end of this newsletter are two personal accounts written by New Zealand birth mothers who speak of the pressures they were under before and after giving birth to their child and the grief and sense of loss that has continued to haunt them throughout their lives. The editors have decided that the accounts should be published in full but some identifying information has been deleted. They are a reminder of the vulnerability of women in their situation and the unfairness of a law which puts pressure on them to make a life-changing decision for themselves and their baby just days after giving birth. It is often said that bad things happened in the past but they could not happen today. Myst's story recalls events which took place in 1997/98 – less than 12 years ago.

Robert Ludbrook

Adoption News

Children's Commissioner presses for urgent reform of Adoption Act 1955

Children's Commissioner, Dr John Angus, in his submission to the Justice and Electoral Committee on the Child and Family Protection Bill, asked the Committee to give urgent consideration to the review of the Adoption Act 1955. In a media release of 31 March 2010, Dr Angus stated:

"I have recommended to the Committee that although the Bill proposes a specific amendment to the Adoption Act that will increase penalties for those offering or accepting financial gain for adoption, a comprehensive review of the Adoption Act itself is long overdue.

"Passed in 1955 the Adoption Act is out of date and does not provide a strong legislative foundation for good practice. I have encouraged the Committee to give consideration to its review",

Adoption Statistics 2008/09

Adoption orders made by Family Court continue to decline

There was an overall decline in adoption orders made by the NZ Family Court from 640 in 1996/97 to 210 in 2008/09. In particular, here was:

- A steady decline in adoptions by non-relatives from 131 in 1996/97 to 62 in 2008/09
- A decline in adoptions by relatives of the child from 163 in 1996/97 to 79 in 2008/09
- A marked decline in step-parent adoptions from 179 in 1996/97 to 38 in 2008/09
- A decline in adoptions by foster parents from 28 in 1996/97 to 2 in 2008/09
- A decline in intercountry adoptions where the adoption order made was ,made by the NZ Family Court from 70 in 1996/97 to 29 in 2008/09.

Intercountry adoptions where order is made overseas

There are other intercountry adoptions where the adoption order or decree is made in an overseas country and the adoption is recognised under the Adoption (Intercountry) Act 1977 or the Adoption Act 1955. These are not processed through the NZ courts and, where the overseas country is not a party to the Hague Adoption Convention, they are not reported on by Child, Youth and Family. In the last few years there have been 300 to 400 such adoptions each year.

Birth certificates obtained and vetoes lodged

In 2008/09 under the Adult Adoption Information Act 1985 there were

- 559 Original (pre-adoption) birth certificates issued on request by adoptees
- 4 vetoes placed by adopted persons and one veto cancelled
- 151 requests by birth parents for identifying information about their adopted child
- 19 vetoes placed by birth parents.

Information supplied by Adoption Services, Child, Youth and Family.

International News

Haiti

UNICEF's position on inter-country adoption?

UNICEF believes that the long-term interests of a child are always better served when care is provided by her or his family, extended family or the community in which the child has roots. Decisions on the wellbeing of a child should not be taken without considerable safeguards being put in place, and wherever appropriate, the views of the child should be considered.

UNICEF is not against intercountry adoption, but we are against exploitation. The best interest of the child is paramount. When safeguards are in place to protect children, birth families and adoptive parents, inter-country adoption can be a safe option.

State responsibilities for adoption, including intercountry adoption, are recognised within Article 21 of the Convention on the Rights of the Child. The Hague Convention on intercountry adoption provides the necessary guidance to establish minimum standards and the legal framework for safe inter-country adoption.

How does international law, specifically inter-country adoption and the Hague Convention, relate to the Government of Haiti?

Haiti is not a Hague Convention member. However, the Hague Conference Recommendation of 2000 states that State parties apply the Hague principles as far as possible even when working with a non-member state.

UNICEF has been working with the Government of Haiti since before the earthquake with a view to the government ratifying the Hague Convention on Protection of Children and Cooperation in Respect of Inter-Country Adoption. Ratification of the Convention would help ensure that clear standards are in place for the protection of children in relation to international adoptions.

UNICEF 19 April 2010

Australia

Federal Community Services Minister, Jenny Macklin, will raise past adoption practices with her state counterparts after calls for an apology or inquiry from some women coerced into giving up their babies.

The federal government commissioned the Australian Institute of Family Studies to review past adoption practices to help piece together what happened. The recently released review found that relinquishing a child for adoption had the potential for lifelong consequences for the women and their now grown children. But it says there is no reliable data on the number of women coerced into adopting out babies, or how many report continuing negative effects. It says understanding of the full impact of past practices is needed to be able to help those affected.

It is believed to mainly affect single women who were pregnant between the 1940s and the 1970s. The report says research suggests that from the 1940s it was "seen as desirable to relinquish children as early as possible - straight after birth". Women's magazines became fierce advocates for adoption and in the 1940s and '50s waiting lists of prospective adoptive parents grew.

The report's author, Daryl Higgins, general manager of research at the institute, said: "No one is disputing what has happened in the past. There are opportunities for doing further work to understand the current need - the emotional needs, the psychological health needs - of those who were affected by past practices. The breadth of the evidence shows that this was not a unique or isolated event and it is associated with significant long-term impacts for these women, including grief and loss and trauma."

Some women have said they were heavily drugged, affecting their capacity to give consent. Other women were not permitted to see their baby after birth and not told of their right to change their mind about relinquishing a baby.

This was raised in parliamentary inquiries in Tasmania and New South Wales but, the report says, it would take significant research to determine the extent to which these practices were widespread.

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Denise Cuthbert, a professor in Monash University's school of political and social inquiry, is one year into a four-year project looking at past adoption practices. It is a historical investigation of adoption legislation and policy in Australia. There is also an interactive website, where people can share their stories.

"There were probably many occasions where, judged by today's standards, women weren't treated well," she said.

The Age newspaper 22 April 2010

Western Australia

The Western Australian Health Minister, Kim Hames, announced in March 2010 that the West Australian government would be the first State and Territory government in Australia to make an apology to women who suffered as a result of illegal and inhumane adoption practices between the 1940s and early 1980s.

The *West Australian* 9 April 2010.

In another first, the Sisters of Mary, a Catholic order based in Perth apologised in April 2010 to a woman who in 1973 had her baby adopted against her will. An apology to relinquishing mothers was also made by the Royal Brisbane Hospital, Queensland in 2009.

United Kingdom

UK Law allows same-sex couples to become legal parents

By Ailsa Taylor appeared in BioNews 551, 29 March 2010

New legislation allowing same-sex couples to become the legal parents of children born following IVF or surrogacy came into force in April 2010. The law change means couples no longer need to be married to be named on their child's birth certificate and is intended to afford unmarried and same-sex couples the same rights to legal parenthood as married heterosexual couples. It forms the final stage of the implementation of the UK's Human Fertilisation and Embryology Act 2008.

Natalie Gamble, of the fertility law firm Gamble and Ghevaert, has said that the new law will help ensure equality for same-sex parents. 'These changes bring the law up to date with the

realities of modern 21st-century life and recognise that increasing numbers of same-sex and unmarried couples are having children together', she told the *Guardian* newspaper.

Previously, the woman who carried the child was automatically considered to be the legal parent. This meant that lesbian and gay couples would have to undergo a lengthy adoption process to become the legal parents of a child born following surrogacy.

The new law addresses this problem by allowing couples to obtain a parental order in court by prior arrangement, regardless of their sexual orientation. It requires only that couples are in a stable relationship, have entered into a surrogacy agreement without payment beyond expenses, and are acting in the interests of the child. If these conditions are all met, a parental order will be issued allowing both intended parents to be named on the birth certificate, and making them legally and financially responsible for their child from birth. The child will be able to trace their biological mother when they reach 18 if they wish, but the names of their legal guardians will be listed on the birth certificate.

The new change will have particular significance for gay men, says Natalie Gamble: 'Lesbian couples and unmarried couples usually have other routes available to them if they want to have children, but surrogacy is particularly important to gay men, so they will get most out of this change in legislation'.

Although the updated law helps to bring much-needed clarity to the law around surrogacy, there are still issues that urgently need addressing, says Gamble. There are particular pitfalls for single parents and those going abroad. In the latter case, a couple returning to England with a surrogate child find that the law does not recognise their right to parenthood. It can cause immense distress. There are a lot of aspects of surrogacy that now need to be addressed urgently', says Natalie Gamble.

Russia

Russia suspended adoptions by Americans [on 16 April 2010] amid outrage over a seven year old being sent back to Moscow on a plane alone. No more children will leave Russia for the United States until the countries have negotiated an agreement, the Russian Foreign Ministry said. The announcement followed anger at the treatment of Artyom Savelyey, who was returned with a note from his adoptive mother saying she no longer wanted to care for him. Foreign Minister, Sergei Lavrov, called the case the "last straw" in a series of such scandals.

Dominion Post 17 April 2010

United States

An American Singer/Songwriter Mary Gauthier who is adopted has recently put out an album *The Foundling* which contains powerful songs about being adopted: visit www.marygauthier.com or google >mary gauthier<

France

Under French law, adoption does not alter the lineage bond between the adopted child and his/her parents. It creates a second link between the child and the adoptive parents which is added onto the biological link without extinguishing it. An adopted child may have two legal fathers and two legal mothers but parental responsibility for the child is vested solely in the adoptive parents. The child has inheritance rights in respect of both sets of parents:

Adapted from Laurence Francoz-Terminal *From same-sex couples to same-sex families?: Current French legal issues* Child and Family Law Quarterly Vol 21 No 4 2009.

Practice Issue: Affidavit by birth mother as to father of her child

Background

It has long been the practice for the Court dealing with an adoption application to require the mother of the child to swear an affidavit providing information about the father. The purpose of this affidavit is to provide the Court with information on which it can make a decision whether it is “expedient” to require the consent of a non-guardian father to the adoption application. The Family Court has for some years required that an affidavit be filed by the mother be filed advising whether the father is a guardian of the child or has applied for guardianship and whether he has obtained or applied for custody or access..

Recently, a standard affidavit to be sworn by the natural mother has been posted on the Family Court website. It requires considerably more information than the form previously in use. The mother is required to state:

- whether she has ever been in a civil union or de facto relationship with, or has lived with, the father of her child. If so she is asked to provide details (paras 4 & 5);
- whether the father has had, or has attempted to have, any contact or involvement with the child. If so, she is asked to describe the nature of the relationship between the father and the child and the role he has played during her pregnancy (para 6);
- whether the father or anyone else has contributed towards the birth expenses, or maintenance or support of the child (para 12);
- her reasons for believing that the adoption of her child would be in the child’s welfare and best interests (para 13);
- that she has reached her decision to have her child adopted after a great deal of thought (para 14);
- that she has discussed the matter of adoption with (eg a named social worker, counsellor, parent etc) on one or more occasions (OR that she has not discussed the matter of adoption with any other person (para 15);
- that after various discussions and talks and after considering independent advice she has sought she desires without qualification or reservation to have the child adopted (para 16);

- that the effect of an adoption order has been fully explained to her and that she fully understands that on the making of the order she would lose all rights in or claim to her child (para 17);
- that she has been made aware that she is required to disclose to the Court any matters that may be relevant for the Court's assessment of the application and she brings to the attention of the Court [here she must state any such matters] (para 20).

The mother is not a party to the proceedings and is accordingly not required to disclose any information about herself or about the birth father. It is doubtful that the Family Court judiciary has the power to require relinquishing mothers to provide a sworn statement containing information of a personal nature in an affidavit containing statements which may be contrary her interests. The obligation is on the applicants for an adoption order to obtain and file the birth mother's affidavit.

Concerns as to standard affidavit to be sworn by mother

There are three areas of concern in relation to the proposed new form of affidavit.

(1) Information about the birth father and the mother's relationship with the birth father

In the large majority of cases the father will have signed the birth registration papers. His name will appear on the child's pre-adoption birth certificate and he will automatically be a guardian of the child. This information will be available to the Family Court as a copy of the birth certificate must always be filed with the application. In such situations there is no need for the mother to name the father or provide other information about him.. If the father has not signed the birth registration papers the mother may have good reason for not naming him. The father's signature may have been dispensed with by the Registrar of Births on the grounds that requiring the himr to sign the form "would cause unwarranted distress" to the mother (or to the father). If the father had been violent to the mother or threatened violence, if the child was conceived as a result of rape or incest or if the father was a married man and the mother wished to prevent hurt to his wife and children she may have good reasons for declining to name him.

The mother may be uncertain who is the father of her child. She may be embarrassed to disclose that she had sexual intercourse with more than one man at or about the time of conception. There is a risk that, if she believes she has to name the father, she will name a particular person without disclosing her uncertainty about paternity of the child. She may see this as a personal and private matter and have no desire to place this information before the court in a sworn statement. She is not a party to the adoption proceedings and to require her to give sworn evidence is of doubtful legality and may breach her privacy rights. There would appear to be no means by which the Court could compel the mother to swear an affidavit or to provide information about the father or other information.

It is important that the Court should have sufficient information about the father to enable it to make a judgment whether the father's consent should be obtained, but there are other means by which this information could be placed before the Court. The Adoption Act 2009 (Queensland) which came into force on 1 February 2010 places an obligation on the government agency responsible for adoptions to make inquiries to ascertain the name and

contact details of the father: In the NZ context Child, Youth and Family could be required to make inquiries to identify and trace the father and to include information about him in its statutory report to the Court.

(2) Information and assurances by natural mother as to discussions with others, independent advice and her understanding of the effect of an adoption order

One has to question why the natural mother should be required to provide information about her discussions with others in a standard affidavit. Her consent will in many cases already have been signed and witnessed by the solicitor or official taking her consent. Once she has signed the required consent form and had it witnessed it is not for the Court to require her to provide information about how she reached her decision and what independent counselling and advice she has received. There is a large body of evidence that mothers who sign a consent shortly after the birth of their child often later regret their action and sometimes seek to revoke the interim order on the grounds that the consent was not a genuine consent freely given. If a mother does seek to retract her consent the statements she has made in the standard form affidavit will make it virtually impossible for her to succeed in an argument that her consent was not a true and valid consent freely. By swearing the affidavit she may be compromising her position should she try to retract her consent. The information she is required to give regarding her consent is of no value to the Court in considering the merits of the adoption application.

The mother should not be asked to give the Court reasons why she considers the adoption of her child is in the child's welfare and best interests.. It is for the adoptive applicants to satisfy the Court on that issue and for the Court to decide.

(3) Position of mother who is asked to swear the standard form affidavit

The mother is not a party to the proceedings and there is no power to require her to swear an affidavit. She should be made aware that any information she gives is given voluntarily. There is a considerable power imbalance between the applicants for an adoption order and the birth mother. .The applicants will always have a lawyer acting for them and advising them. Birth mothers rarely have the advantage of independent legal advice. It is clear from the Act and the case law that the lawyer who takes the consent is performing an administrative function and is not acting for the birth mother. The normal practice has been for the lawyer for the adoptive parents to draft the consent to adoption form and the birth mother's affidavit and to send these to the lawyer who is to take the consent. The lawyer is sometimes a lawyer recommended by the lawyer for the adoptive parents and it is accepted practice that the lawyer's fees will be paid by the adoptive parents. Birth mothers quite commonly fail to understand that the lawyer taking their consent is not their lawyer and has no duty to protect their interests. The lawyer who takes her affidavit is under no legal duty to advise her that she need not provide the information set out in the standard form of affidavit. A birth mother who may have given birth to the child ten days earlier and who may be subject to pressures from the father of the child, her parents or non-government agencies that have a pro-adoption agenda is unlikely to be aware of the implications of swearing the prescribed affidavit. Even if she wishes to access independent legal advice she may not know where to get such advice and may not be able to meet the cost. There is no legal aid available for advice to a birth mother as she is not a party to the adoption proceedings.

Final comments

It should not be the birth mother's responsibility to provide the court with information about the birth father. If she chooses to disclose personal information it should only be after she has had the advantage of independent legal advice at no cost to herself.

The new form of affidavit to be sworn by the natural mother has no doubt been drafted to remedy some of the deficiencies of the Adoption Act 1955. While the reasons for including the large amount of additional information in the standard affidavit is well intentioned it is likely to create more problems than it resolves.

The issue of the new form was raised with the Principal Family Court Judge Peter Boshier who responded on 23rd April 2010 declining to amend the form of affidavit.

Comment on this issue from birth mothers and others is welcomed and any views expressed will be passed on to the Principal Family Court Judge (anonymously if so desired):contact r_ludbrook@hotmail.com

Robert Ludbrook

Adoption Research

The Australian Institute of Family Studies has carried out research into the impact of past adoption practices for the Australian Federal Department of Families, Housing, Community Services and Indigenous Affairs. The report draws on Australian and international research. It lists a number of traumatising aspects of past adoption practices including:

- administration of high levels of drugs to the mother in the perinatal period (eg pain relief, sedatives and lactation suppressant hormones);
- not allowing the mother to see the baby (baby shielded by a sheet or other physical barrier during birth and removed from the ward immediately after birth);
- withholding information about the baby (eg gender, health information and even whether the baby is alive);
- discouraging the mother from naming the baby;
- bullying behaviour by consent takers;
- failure to advise mother of right to rescind the decision to relinquish;
- failure to adequately get consent from mother (eg too young to give valid consent, not informed of rights, affected by drugs);
- treated less respectfully than married women.

The report noted that one theme that was fairly consistent across all research was that the pain and distress of relinquishment does not go away with the passage of time and that many relinquishing mothers reported that the sadness, anger and guilt did not diminish over the years contrary to the advice given to mothers that they should forget about the child and continue their lives as if nothing had happened.

The report *Impact of Past Adoption Practices* March 2019 can be downloaded from www.fahcsia.govt.au/sa/families/pubs/past_adoption/Pages/default.aspx

Birth mothers' stories

Susan's story

At just 17 years old, I signed "a consent to adopt" form within days of giving birth. Just ten short days to make a 'decision' that had already been made for me – it was the basic legal requirement before they could get my signature. I was too young to vote, drink or even marry without permission yet I was regarded worldly enough to sign a document enabling my child to be given away forever, I didn't realise then it would mean I was signing away my grandchildren and all my future generations. Voting, marriage etc can be undone but adoption under this law, there is no way out. Most mothers have blocked signing day from their memories for sanity's sake. The year was 1974 not 1955, I didn't know that I had any rights, in a home for unmarried mothers you weren't informed – another abuse as the solo mothers benefit came in 3 months before my baby was born, I didn't know. I wouldn't have let them bind up my breasts to prevent me 'further bonding' with my baby nor would I have let them take him to be viewed by the prospective adopters as you would a new puppy or kitten if I knew that I was the only legal guardian of my child and only person entitled to my child's care..

That coerced signature was the most binding, irrevocable, watertight contract, impossible to retract or change. I know of no other document that powerful or permanent. There is no 'cooling off' period or time without your child to understand the implications of 'adoption' and the magnitude of layers it encompasses. My baby became a chattel, property of new owners. I was left voiceless and discarded. Worse still, if that is possible, is that the fact that the people involved knew the implications for my child and me. He was taken from my life and I was not entitled to know a thing from that day forward. This is something unnatural to any mother as any missing child causes deep anxiety and concern, just ask the McCann's. The mental pain of living like this year in and year out is inhumane. You don't just switch off, mothers aren't robots.

After six months the false birth certificate was issued, stating my son was reborn to them, another illegal, fictitious result of this outdated law. I was treated as a surrogate for two people more entitled to my flesh and blood than I was. The law couldn't extinguish my maternal feelings towards my first born and left me with chronic depression which will be with me until the day I die. To give you a personal further insight into how the 1955 adoption law affected me I would like to share part of a documented social workers report.

"Six months after the baby was placed and just before the final order Susan talked with her mother, about trying to get her baby back. Her mother discouraged this on account of their own unchanged home circumstances and the fact that this move would be extremely upsetting for the baby and the adoptive parents. She knew little about the adoptive parents. On the baby's birthday Susan shares her grief and thoughts about the baby with her mother. Her mother understands this but can think of little positive to say in order to console Susan. They now seldom talk about the baby except on his birthday. Susan's mother believes

Susan still thinks about her baby a great deal. Susan frequently buys toys on the pretext of giving them to her nephews but often does not get as far as actually parting with them [Susan's mother} showed me Susan's bedroom. There are many cuddly toys surrounding it. [Her mother] believes she really buys them to comfort herself. She broke down and sobbed while talking about this."

This law is not about adoption – it is an outdated punishment for women. No wonder nobody chooses adoption, living without your child is an insane punishment. Even the worst criminals get parole, with this law you are eternally damned. The 1955 Adoption Act transforms two unrelated strangers into instant parents and turns the real mother into an irrelevant apparition.

Myst's story

In November 1996 my family moved to Australia to live. I went with them for the initial two months and then needed to return to New Zealand in early 1997 to finish an Early Childhood Diploma I had started in 1996. I was sexually assaulted in late June 1997. I rang the police and asked about a 'hypothetical' situation so as not to commit myself to anything and found out that unless I had witnesses I would not have much chance in Court. I decided not to press charges.

On July 22 1997 (I had just turned 20 years) I was told I was pregnant. At this time, I lived with family friends from the church in which I had been raised. They were adoptive parents. I was very involved with my church, being a volunteer for the café that church people had set up. I went to a weekly prayer group, had attended camps and I was attending a support group for Sexual Abuse survivors. I confided in this group about the pregnancy with the belief that as it was shared in the group setting, it was private and confidential information. One of the persons involved in setting up the group, was the first to tell me I should consider adoption. She informed me there were many deserving couples who could not have children and I should consider a church couple. This conversation was the first of many to come.

The day I found out I was pregnant I was very scared and upset as I knew my family would not take it well. However, I was not upset about the baby - rather I felt excited. I remember very clearly getting home and shutting myself in my bedroom. I stood in front of my mirror and pulled up my top to rub my tummy. I told my baby that I loved him/her and that regardless of what happened (i.e. how I had become pregnant) I did not hold him/her responsible and how I could not wait to meet him/her. I came from a Baptist background where people were very strict and forceful in their views. I knew people would judge me and my family and that really made me afraid. A couple of days after discovering I was pregnant I made a visit to the local welfare office to find out what benefits were available for single parents. It was here I came across a brochure for 'Crisis Pregnancy Counseling'. I took the brochure as it seemed to be exactly the kind of service I would need to help support me in my pregnancy as it said it helped set up young mums.

That same night I called the guy who sexually assaulted me (I knew him from school) and told him of the pregnancy. My aim had been to confront him with the sexual assault too but I didn't get a chance that night as he told me he wanted to speak with his sister about the pregnancy

and get back to me. The following night after waiting for his call, I phoned him back and he told me to get an abortion. I said no, I didn't want to do that, I was anti abortion. I said I wanted to keep and raise the baby and I was only calling him to tell him about the pregnancy as I wanted to do the right thing by my baby by letting his/her father know. I also confronted him about the sexual assault to which he admitted and told me that I couldn't do anything about it as I had no witnesses and it would be his word against mine. He also abused me verbally about the pregnancy and said that if I didn't have an abortion and went ahead with the pregnancy, he would take the baby off me. He then put me onto a person he said was his brother in law who proceeded to threaten me by saying they could force me to have an abortion or they could take my baby. He called me inappropriate names like 'slut'. I hung up on him.

After this phone call I phoned the Crisis Pregnancy Centre in tears afraid my baby would be taken from me. I spoke to a woman who assured me that he couldn't take my baby. I cannot recall if it was this conversation or one after this but she said to me that she knew a way for me not to let the father get my baby (I didn't want him near my baby as he was into drugs, alcohol and sex at the time, not a healthy environment for a baby). I asked her what that was and she suggested adoption. She also 'counselled' me very strongly against abortion which I had already ruled out. I told her I wanted to keep my baby. She told me about how 'wonderful' adoption was so I told her I would look into it, without any intention of doing so.

Shortly after this conversation I told my parents about my pregnancy. They did not take the news very well for the first couple of months. This time left me feeling very depressed and suicidal. My Mum told me I had three options and to think of all three but Dad coming from a Catholic background said I had two and when I told him I didn't want to adopt my child out he asked me to at least 'take a look at it'. Again, without intention, I agreed. My family and I sorted out our differences and by the time I was three months, things were better.

Over the next months, there was much talk of adoption 'at' me. I was not asked what I wanted for my child, nor was I ever asked whether I needed assistance to set up a home somewhere. I visited Holly House but was scared off by the stringent rules they had and felt I was at risk from the church there.

A crisis pregnancy counsellor (who was also an adoptive mother) started pushing the issue of adoption very heavily around eight weeks into my pregnancy. I started lunching with her and seeing her on a fairly regular basis. During these lunches she would speak often about how terrible other girls were for wanting to have abortions or keep their children when there were so many childless couples who deserved to have babies. She spoke a lot of her own adopted girls and how happy they made her. She also had a pile of profiles of prospective adoptive parents that were the same ones as Social Welfare held, or so she said. I was told I should not let anyone know she had them. She would go through them with me and tried to push me to choose one couple in particular. She said they were lovely people and would make fantastic parents. I felt like I didn't exist anymore. One person in my church had said, I was more of a surrogate mother than a mother, and I was being used by God so He could bless a couple with a baby. She would say 'this isn't really your baby'.

On October 29, 1997 I met with a social worker at the local Children's and Young Person's Adoption Unit. The crisis pregnancy counsellor arranged the appointment and went along with me. Before we went she coached me not to listen to anything the social worker had to say, she would only want to make me have an abortion. This was also the time she instructed me not to mention my Maori heritage because then the baby would be taken and put with a Maori family. By this stage, I was very much confused as to whom I should listen. I recall the social worker was not like the crisis counselor had described but I obeyed and did everything I was told to do (by the so-called 'counsellor').

On Monday 3rd November, 1997 I met a solicitor, for an appointment arranged by the crisis counsellor who used to make appointments for me and I would go to them, usually accompanied by her. By this time I felt like there were two me's; the one I was watching who was pregnant and having her baby taken and me, the one keeping the baby.

Meanwhile, the pressure from the church people was intensifying as more people found out I was pregnant. Some found out through the lady from the sexual abuse group (breach of confidentiality) and others found out as I told them. An older girl, an adoptee and art teacher also from my church, befriended me. I confided in her I was pregnant and she asked if I had considered adoption. I told her I was looking into it like my Dad asked but wanted to keep my baby. She strongly 'encouraged' me to adopt my baby out; keeping my child 'should not be an option'. She took me 'under her wing' and started seeing more of me, always keeping the focus on me adopting out my baby. When I said I wanted to keep the baby, she would tell me off, saying that I was selfish and that I should consider the amazing life my baby could have. She showed me photos of her family and told me how adoption had been great for her. I saw her roughly every week until my baby was born.

The church people (including the senior pastor I had known my whole life and others as they learned I was pregnant, some whom I had never met) started telling me that I was selfish for wanting to keep my baby; God wanted her to go to another home; I wasn't her mother – I was merely growing her for another couple; If I truly loved her I would adopt her out; true love was to adopt her out; I would ruin her life etc.,. This was when church couples were suggested to me as adoptive parents. Altogether there were 3 or 4 couples waiting in the wings for my child. People in the church, I don't remember who they were, (my church was fairly large), began to comment in front of me and to me that the X's couldn't have children of their own and what wonderful parents they would make. I went to a women's breakfast and Mrs X was one of the women to speak and I am fairly sure that is the day I was told I should consider her and her husband as adoptive parents. They were not the only couple waiting for my daughter.

Presented with the fact I would not be allowed to keep my child, I attempted to get to know the X's. By this point I did not feel I had the right to even want to keep my baby, let alone make that decision. Even the Minister of my church would come up to me and make sure I was going ahead with the adoption. I was brainwashed so effectively by what the church folk and what my counsellor were saying, I honestly believed I was not going to get through to the other end with my child, no matter how much I wanted to keep her.

Another person pushed the adoption issue heavily with me. She also discussed couples in the church with me and I told her that the X's had been suggested. She offered to ask them and see if they would meet with us. I hoped like hell they were not interested but they were. A meeting at McDonalds was set up for one Sunday morning in October. I had recently had my 20 week scan and recall knowing that my baby was a girl. The night before the meeting, a church friend stayed the night with me and suggested I write the X's a letter. I told her I didn't know what to write so she 'helped' me write the letter. Another church person turned up in the morning to pick me up and she held this intense prayer session about how wonderful it was I was giving up my baby and how great the X's were and to ask God to help me continue with the adoption. I remember it as I was very uncomfortable. She accompanied me to the meeting with the X's. They basically talked and asked me the sex of my baby. I remember them asking as Mrs X was very happy I was having a girl and said they wanted a little girl, preferred little girls. I wished from then on that the scan was wrong and I had a boy as I wanted to keep my baby although I was happy with having a girl (I didn't mind what I was having as I had been an Early Childhood Carer for many years).

After this meeting, the X's had me come around to their house to talk about 'their' baby. I just remember thinking they must have been speaking about someone else. They never asked me if it was something I wanted to do; they only wanted to talk of their plans for the baby. It never really occurred to me they were talking about my baby until they visited me in the hospital.

My younger sister came to visit her friends and me in September 1997. She stayed for about two weeks. During this time she met the pregnancy counsellor and saw first hand the pressure I was under. She was only 16 so didn't feel she could do anything either but I confided in her how I truly felt. When she left in mid-October, I felt very low as she had been a lifeline so to speak. I was again isolated and surrounded by people pushing the adoption.

I was to spend Christmas and New Year with my family in Australia. To save for this I babysat and nannied a few times. When I wasn't babysitting or nannying, I remember going to shops and looking at baby things. I even bought clothing for my baby which was frowned on by the people I lived with as it showed them "I was too attached to the baby". Before flying to Australia, I had to arrange a new place to live on my return and a church friend set up a place for me with an older woman who was a friend of hers. Had this not worked out, the prospective adopters had offered me to live with them. I also received a small gift from the X's which increased the pressure I felt from them tenfold.

While I was in Australia, I started to relax. I made it clear how I felt about my baby, that I wanted to keep her. I talked to her often and read her 'Winnie the Pooh and the House from Pooh Corner'. She had started moving a lot and it was visible to others and I used to get my sisters to put their hands on my tummy to feel her move. My youngest sister felt a bit weird about that, after all she was only 14 at the time. We went up to Queensland for two weeks and stayed with my parents' best friends. They turned out to be more who were very much in favour of adoption and only further heightened my feeling of hopelessness in my situation. While I was in Queensland I bought my baby a few more things and a gift for the adoptive parents as I felt obliged. They had all bought me gifts before I went to Australia.

A few days before I left to fly to New Zealand (January 12, 1998), I phoned the Post Adoption Resource Centre in Sydney and spoke to someone there. I told her what was happening and I recall she told me that if the baby was born in Australia I would not have to have my baby adopted out and that the X's wouldn't be able to have her as she would be an Australian citizen. I remember thinking how much I would like that to happen but my plane ticket back to NZ was already booked.

Arriving back in New Zealand on 19 January 1998, I was picked up at the airport by the person with whom I was to stay. During those two weeks I bought a baby book and started thinking of ways I could keep my baby. I didn't tell anyone these plans as I was afraid of what people would say. I think I may have confided in one of my best friends at the time. After two weeks I ran away from this person's place as she became rather possessive. My daughter Amber-Rose was not due at this point for another two months. I eventually arranged to move in with a church person when I couldn't find anywhere else. This move was to take place around the end of February. This person started to pressure me to allow herself and the X's in the delivery room or just outside. She liked the American idea of having the adoptive 'father' cut the cord. I was extremely uncomfortable with this idea and remember starting to feel very stressed at this point as I was really wanting to keep my baby by now and the pressure just kept mounting. On Sunday 15 February 1998, I met with Mrs X at a café as she wanted to see how I was going. She too broached the subject of being in the delivery room; I remember being very upset at this thought. I was strongly opposed to this idea. I was by now suffering from extreme stress. I need to point out that I was very afraid of being anywhere I was not familiar with. I was also suffering from Post Traumatic Stress Disorder after being raped and from going through a traumatic experience in 1993 (as a result of which my family were diagnosed as suffering from PTSD).

On Tuesday morning at 1:30, 17th February 1998, my waters broke. Being six weeks early and my mum not yet in New Zealand (she was to be my birth partner), I panicked. I called my midwife and arranged to meet her at the hospital at 3:30am. I then rang my parents and told them. After this, I phoned a taxi and left a note for the A's explaining where I was and packed my bag. The taxi came and I was at the hospital by 3:00am. I pretty much decided to 'run away' and have my baby on my own that night. I had been asked by the church person to contact her when I went into labour and I was also supposed to let the X's know but I really did not want them to take my baby and so decided to go through the labour and birth on my own. Again, this was an indication of how I truly felt. Amber-Rose, (her name chosen by me when I was around 4 ½ months pregnant) was born at 9:17am on Tuesday 17 February 1998.

Being premature, she was taken away to the Neo-natal Unit and I didn't really get to see her. I remember finally getting taken to my room in the ward and the reality of what was happening hit me solidly. I kept asking to see my baby but I was told I couldn't because she was having tests. I was given a photograph but kept persisting. I remember finally being taken to the NICU and at first the neo-natal doctors wouldn't let me in to see her; they asked me what I was doing and I told them I wanted to see my baby and they said it wasn't wise as she was up for adoption; yet that 'decision' (for want of a better word) had not been made.

Back in my room I started getting visitors. I don't remember who they all were that day as I was tired but I remember all my visitors treating me like my baby had just died. Comments like "we

are so sorry”, “how sad for you”, “the X's must be so happy” etc were said to me within hours of giving birth. No one asked me how I was, how I felt now or what I wanted to do. I felt angry as I wanted the congratulations and support but no one was there for me and my daughter. A church person visited me the afternoon of February 17 just after 4pm and I remember her visit as the first thing she asked me was had I signed the consent and when I said no, she asked me why not and when I was going to. I told her I didn't want to. She told me it was all arranged, I had no other choice.

I requested that I not see the X's as I didn't want them there to pressure me but they came the day after my daughter was born as well as the next day and I was too exhausted to fight so I said nothing. They bought me an expensive gift from the Body Shop, just for me, nothing for my daughter. This only increased the pressure on me. I sent this gift back to them during the court case with a note telling them they couldn't 'buy' my daughter. I requested they not visit me a couple of times but this was not respected.

I found out that the nurses' board had the initials BFA next to my daughter's name; I saw them there and asked what they meant. They told me they meant 'Babe for adoption' and I told them I didn't want it there as I hadn't yet made that decision and didn't want to give up my baby. For some reason (still to this day I don't know why), they couldn't take it off, another thing that pushed the fact it was inevitable whether I wanted it to be or not.

After that visit, I just remember the next few days being very depressed. A woman from the Chaplain's service at the hospital visited me with the same demand. She bought me a present and then when I told her I was keeping Amber, she told me I was so awful, selfish, breaking the X's hearts etc. She also told me my daughter would grow up to hate me if I didn't adopt her out as I couldn't give her anything she needed but the X's could. She bought me a baby book another mother had made for a child she had adopted out and photocopies of it and said I needed to start a book like that one for Amber. She even had paper and pens! She bought an article about open adoption and other adoption propaganda and made me read it with her.

I was in two worlds during this time. One world was back in the ward with 'visitors' hounding me every day to sign the consent forms as well as telling me I was selfish etc if I didn't; and the other world where I was in the Neo-Natal Unit and there was just Amber and myself. I would get up early every morning (sometimes as early as 4am) and race down to see if she was awake. I would then change her nappy, clean her mouth and eyes and hold her while the nurse changed her bedding. I sang to her and spoke to her and she would look up at me. I started breast feeding her although I was supposed to bottle feed her. In my mind I was keeping her. There was no reason to put her on bottles unless she was being adopted. Adoption was something out there waiting to get her. While I was in the hospital, I felt safe. No one could take her away from me here.

My mum arrived from Sydney on February 19. She was supportive of me keeping Amber and we had discussions to this effect. She bought some nappies and baby clothes with her and a big teddy bear. Shortly after my mum arrived, I was transferred to the Nurses hostel while waiting for Amber to get well. I was told I could be there for a couple of weeks depending on how Amber fared. I loved being in the hostel. No one knew where I was and I told no one. No

one from church was given my number and I spent most of my time with Amber or my Mum. I went to Pregnancy Help to find some clothes and things for her and started thinking about things I would need to keep Amber. At some point I went to see the solicitor to tell him I didn't want to sign an adoption consent. He acted like he didn't hear me and kept saying 'I can't take your consent yet' while I was saying that I wouldn't sign! My mum was there for that visit. During that visit, he also 'encouraged' adoption strongly, saying it was the best option for my child and showed me photos of his children and told me they were adopted. He went on to say their mothers were happy with their decision and had 'gone on' with their lives. Even my mother felt this was very inappropriate, unprofessional and felt uncomfortable with him.

During my days with Amber, there was a Neo-Natal nurse who was supportive of me and she encouraged me to do what I wanted. She told me there was a system where I could take my baby out for a walk as long as I knew infant CPR which I did from my early childhood course. We were going to set this up. I don't know why it was never set up but it never got mentioned again and I was brushed off when I asked about it. I also don't recall getting to see that nurse again.

I found out that Amber was having visits from people unknown to me. They were never identified to me either but I saw it on her medical records. When I found this out I was angry and told the nurse no one was to have unsupervised contact with her, they had to be with me if they wanted to see her.

Amber was finally moved into Intermediate Nursery and out of NICU which meant I was readmitted to the hospital as a border Mum. Before moving back into the Ward, I had called the adoption off and told everyone I was keeping my baby. Moving back into the hospital, things went really bad; I had visitors again: the X's, their friends, the counsellor and church people. Again, the pressure was on but now it was worse as I had made the decision to keep Amber. The X's told me I was their only hope of being parents and pleaded with me to go through with the adoption, while others told me I was being selfish and I had no right to want to keep my baby, the X's were being so hurt and how dare I do this to them. I was told again my child would hate me, I was ruining her life. Finding the pressure too much, I went back to the lawyer and asked him about other ways of letting the X's have Amber without adopting her out, so that I could still have her too. He mentioned the Guardianship Order and I opted to look into that. He again showed me his children's picture and reminded me his children were adopted.

Another person who pressured me to adopt my daughter out was a hospital paediatrician. She was very unfriendly and told me I was selfish for wanting to keep my child; that I could not provide for my daughter 'like the adoptive parents can' and everything is in place so I should do it. I recall having a conversation about the Guardianship Order idea with her and she told me I was being unfair and not to expect the adopters to go ahead with it and I would only confuse my daughter. I told her that I didn't want to lose my baby and she again said I was selfish and I could go on and have more children etc.

During the days when the adoption had been called off, my mother and I would occasionally go into town for a quick break from the hospital. I recall one rare excursion where we met by

chance Mr X who was accompanied by a friend. I had a panic attack. By the end of the meeting, my heart was racing, I was wet with a cold sweat and I was so stressed.

There was a meeting held in the hospital a day before I left or maybe on the day I left hospital to discuss what I was thinking. I then told the X's I didn't want to adopt Amber out but I was thinking of the Guardianship Order. I told them it was because I wanted to make everyone happy and still not lose Amber. They said adoption or nothing. Mr X also said that he and Mrs X didn't want to 'take my baby' and worked by 'God's laws, not man's law' (meaning morals). **He also said that if I still felt the way I was feeling now after I signed the adoption consent, they would return her to me.** (Both my mother and I took this to mean that if I still wanted Amber after the papers were signed, they would return her to me. We were to 'trial' it first). I felt relieved hearing this as I felt I didn't have to lose my baby after all. In the 'open adoption' agreement, an arrangement was set up for me to let them know how I was feeling in regards to whether I still wanted to keep my child or not. After returning to Sydney, within three days, either I or my mum was to ring them and let them know how it was all going ie if I still wanted Amber or if the adoption was to go ahead.

With this belief that I wasn't going to lose her, under immense coercion, in shock due to the premature nature of the birth and out of my mind with stress (since diagnosed as PTSD), I was forced to sign the consent on 6 March 1998. To be honest, I could have signed my own death warrant that day, it wouldn't have mattered. The pressure had been so very effective. I should mention during this time the pregnancy counsellor told me that if I DIDN'T sign the papers, there was a way around them as someone else could on my behalf - the Director General - which was confirmed by 'my' solicitor. So it was either lose her or trust what her adopters said and hand her over. Hardly a choice. I have since found out that whilst this is true, it would not have happened in my case as I was not proven an unfit mother and they have to prove that first.

The day I signed, I put a birth notice in the paper. It seems strange now that on one hand I was doing normal mother things when I was also meant to be signing an adoption consent! To me now, it just shows I was never serious about the adoption; the adoption consent was just a piece of paper and I had signed heaps of pieces of paper up until this day. It didn't mean anything.

Before the consent was signed, I received no counselling, no one asked me if I was signing free from pressure or coercion. The lawyer assured me I was doing the best thing for my baby and that 'I would get on with my life'. I also was not informed of the true effects of the adoption consent. I had no idea that once signed, I could not revoke it and I was never told this until later. The lawyer wouldn't allow me to leave immediately after the 'consent' was signed and made me (physically blocked the door and used his hands to stop me) sit down while he asked me questions about marriage and the future. He later put in his affidavit that I was 'calm and collected' and chatted about my future. To be honest I don't remember much of what went on in that 'chat', I was just thinking of Amber waiting for me in the waiting area; my mum with Amber, had been told to wait out there.

Amber-Rose was taken out of my arms on the morning of 7 March 1998 at the Airport as I was about to fly out to Sydney. Within hours of being home, I told my mum I was going back to get Amber. My Dad was in Paris at this point, away on a business trip. I told him on the phone. My parents both supported me. As the 7th of March was a Saturday, I couldn't do anything about the 'adoption' so on Monday (9th March) I phoned PARC (Post Adoption Resource Centre) and spoke again with the adviser there about what had happened and made an appointment to see her on Wednesday 11th March. The Tuesday before the appointment, Mum phoned the X's, asked about Amber-Rose and informed them I was still feeling the same way and that I still wanted to keep Amber, meaning I did not want to proceed with the adoption. The Xs ended the conversation. Since this telephone conversation, I have realised if I could prove what had been said, my consent would have been effectively withdrawn as neither copy of the consent had been received by the X's solicitor and I had let the adoptive couple know directly that I no longer wanted to proceed with the adoption.

I met with the PARC adviser on 11 March and she told me I could still withdraw my consent (NSW law allows 30 days cooling off period) and asked me how long I had. I told her I thought I had either 10 days or until the final order was made (6 months). I gave her the phone number of head of the NZ Adoption Unit and she said she would call them and tell them I wanted to withdraw my consent. I didn't want to speak with the solicitor again considering he had been so obviously in favour of the adoption. I received a phone call from PARC on Thursday or Friday telling me New Zealand law had no revocation period. I was devastated. I phoned the Adoption Information and Support Unit and asked them what my options were. I was told I could write to the X's on moral grounds requesting my daughter be returned to me, after all they had said they would return her if I still wanted her. I wrote a letter to the adoptive parents. It was changed quite a bit by my Dad to make it appear more gentle as we didn't want them to ignore it or shut me out. He suggested I put things in the letter that didn't speak about the coercion and pressure so as not to 'scare' them off. Hence why there are statements in the letter relating to my circumstances (eg financial) but it was not what forced me to sign. I put that in there as to not point the finger at the pressure they placed on me.

The X's rejected my request that they return my daughter and I decided to proceed legally. I returned to NZ and found a lawyer who agreed to take my case and we proceeded to build a case. My original claim was that my consent was never given freely without pressure and that it was not informed. My lawyer advised we drop this avenue as apparently it is very difficult to prove this in New Zealand Courts. We instead proceeded with a legal technicality. We won this case. The X's appealed and won the appeal but it was sent back to the Family Court to be heard whether or not the adoption would promote the Best Interests and Welfare of the Child. At any point, the X's could have dropped this case and, as legally the adoption was not in place and now in question, I could have simply resumed my place as my daughter's mother.

I truly believed I would win this case; after all I was not an unfit mother and I had a lot to offer my child within her natural family as well as the fact she is part Maori and I still have strong ties with my Whanau and culture. A report was written by an adoption professional and he found Amber's best interests and welfare would be promoted by returning her to me, her natural mother.

What happened next still remains a mystery to me, even now. The Judge who had previously heard the case was replaced by a Judge from Wellington.. He decided I had no legal standing (it is up to the Judge's discretion) which meant my lawyer was not able to represent me in my final hearing. This meant I had no representation at the final hearing at all. I lost and an Interim Adoption Order was made. Although this decision was wrong and goes against the policy of the Family Court (ie, to keep families together where possible). I was exhausted mentally and needed time to recover my strength. I also didn't want to see Amber being tossed back and forward as it was causing her confusion. I almost lost my sanity. I wanted to commit suicide but because I was staying with caring people, every time I was in the process of doing it, someone would walk in on me and stop me.

I returned to Sydney to live with my family (November 1998) and started the agonising process of trying to get people in New Zealand to listen to my story. I do not want anyone else to suffer as my daughter and I have. It is not selfish to want to keep one's child; regardless of one's status. Being an unwed mother is not a crime although it is still frowned upon by society. To take a child out of her natural family to place it among strangers, that is the true crime. New Zealand law and practice breaches the United Nations Convention on the Rights of the Child. I do not believe I was ever in a state of mind to give a free and informed consent without duress/coercion. My actions prove every time I had away from phone calls and visitors pressuring me, I was looking for a way out. Even the fact Amber-Rose had been out of my arms less than a few hours when I said I was going to get her back is proof I never wanted to part with her and that it was not my decision but that of others. Not only was my decision not free, it was not informed. I did not know the law and I was never counselled as to the full effects of adoption and what it would mean for both my child and myself. I was never warned of the mental health implications of adoption and it was known in the professional world before I was pressured to adopt out my child that adoption affects both the mother and child adversely; the child suffers a trauma and the mother suffers PTSD among other mental illnesses.

For me to make a free decision, I would need to have ALL the facts about adoption as well as all the legal implications; in other words I would have had to be informed. While the Act itself does not provide room for counselling for a birth parent, to sign a consent freely, the birth parent would need to make an "informed" decision. The word "informed" is defined as making a decision "based on a sound understanding of the facts" (From the English Oxford Dictionary). To be truly informed of the effect of adoption in order to satisfy making a free and rational decision, and sign a consent form it can only mean that there would indeed need to be some sort of counselling and knowledge given for the adoption consent to be valid in a legal sense. I received no such counselling, therefore I was not informed as I should have been and based on that I conclude my consent could never have been valid.

During the pregnancy of my second child I was worried about having another premature baby. This meant I had to explain what happened with my first child. I was told on several separate occasions by different doctors and nurses the most likely reason for my first child coming early was because of the extreme amount of stress I was under. From research into this subject, it is more than likely had I been left alone and not placed under an obscene amount of pressure, my daughter would have, most likely, been born around her due date as there were no medical problems with the pregnancy. In his decision to grant an adoption order, This stress grew to the

point where my body went into premature labour and my daughter was born before she was ready.

Had I truly been in a frame of mind to adopt my child out, I would not have breast fed her, would not have told all involved the adoption was off, would not have voiced my objections loud and clear to the solicitor involved and eight years down the track, would not be trying to fix this mess not of my making. Unfortunately, due to the pressure I was under, some of my actions appeared to look like I was in favour of the adoption, but at no point were these actions done without being initiated by someone else. These actions only show how effectively I was brainwashed.

My case highlights the injustice of the New Zealand Adoption Act 1955 to mothers and their children. It has long been known that an infant, unless in extreme circumstances, should not be separated from its mother. When born, the infant has a symbiotic relationship with his/her mother. The infant is not yet aware that they are indeed a separate entity altogether. They know the mother's smell, heartbeat, sound of her voice and these are all important factors to help the survival of the child. From my own experience with other children, they do not realise they are separate beings until well into their toddler years between 1 and 2. Upon finding this out even at this age, it is a troubling and confusing time and children seemingly independent will suddenly become clingy and unsure of themselves. They are able to realise this at this age because their psyche can handle it. To force a newborn to face it within days of being born is cruel and inhumane. It is well known that a child separated from its mother at birth for whatever purpose will suffer a trauma unlike any other. Adoption encourages this trauma and offers no protection for the child or the mother. What needs to be realised is that for the child, the mother is what he/she needs. The mother whom he has trusted and been encased in for 9 months. In adoption, this trauma is not recognised and the child and mother are cut out from each others lives. If the best interests and welfare of the child are truly to be considered, adoption will not be an option for infants. There is no place in today's society for adoption.

Robert Ludbrook
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