

Siblings affected by adoption in NSW

Many adopted people enter their search for their birth mother with a strong hope that they will find siblings or half siblings, either on her side or on their birth father's side. Some are either delighted or shocked to discover that their birth parents married each other after their birth and that they have full siblings. This is only one situation where contact between siblings can occur.

The following "scenarios" are also common:

- ◆ A sibling born before or after the adopted person may also have been adopted.
- ◆ A sibling, born before or after the adopted person and parented by the birth mother, may be told by the mother or another family member of the adopted person and may seek him or her out before or after the mother's death. Similarly, other children born to the birth father may also wish to seek out their adopted sibling.
- ◆ Occasionally the adopted person discovers a number of siblings or half siblings, some of whom were fostered, some stayed with the birth parents, some adopted or brought up by other family members. Older siblings may have strong memories of younger ones.

What legal rights do siblings both adopted and non-adopted have which would enable them to have contact with their other siblings?

RIGHTS OF ADOPTED PEOPLE

1. Information about other adopted siblings born to my birth mother.

Strong feelings may be aroused for those adopted people who discover that they were one of several children placed for adoption by the same birth mother. There may be a temptation to judge your birth mother harshly prior to finding out what her situation was at the time.

To discover one has adopted siblings, can feel very overwhelming, particularly if you had imagined meeting only your birth mother. Your birth mother may not be willing to meet all of the children who were placed for adoption or may only wish to develop a relationship with one of you. This can lead to feelings of anger, loss and confusion. You are entitled under the NSW Adoption Act (2000) to the name and date of birth of other siblings also placed for adoption in NSW by your birth mother or father. This information can be obtained by writing to *the Adoption Information Unit of the Department of Community Services* (address at end) sending a copy of your *Original Birth Certificate* or *Supply Authority*. At the time of supplying this authority, the Registry of Births Deaths & Marriages will check if other children were also adopted and will inform you of this. Talk to your PARC counsellor or the Registry about information on siblings in other states.

2. My rights to contact my birth siblings

My birth mother is deceased - do I have the right to contact my half siblings?

My birth mother has refused contact - do I have the right to contact my half siblings?

My birth mother has met me but refused to tell her other children about me - do I have the right to contact them?

The answer to these 3 questions is the same - you would not be breaking any law in making such contact/s if you succeed in locating your siblings, however you would have to use careful judgement about making contact in these situations.

We would be happy to discuss these issues with you. In each of the above "scenarios" there may be both good or difficult outcomes.

Where the mother has died, siblings may welcome the adopted person and say that the knowledge of the adoption has helped them understand their mother better.

Other adopted people have been hurtfully rejected by those siblings who refuse to believe that their mother could have placed a child for adoption and feel the memory of their mother has somehow been "contaminated" by this new knowledge.

In making contact with children of a birth mother refusing contact or refusing to tell her children, you run the risk of jeopardising any chance of a future good relationship with her - that is a risk some adopted people decide to take with a very varied range of outcomes.

3. My birth mother has lodged a contact veto. Does this also apply to her children?

Usually yes, as most vetoes specify that no member of the family can be contacted. It is advisable to check the terms of the veto. In all these situations even where there is a contact veto it is worthwhile registering your name on the Reunion & Information Register. The cost is included in the fee you have paid for your adoption search and information.

WHAT RIGHTS DO NON-ADOPTED PEOPLE HAVE?

1. My mother is deceased. I want to trace the child who was adopted. Can I do this?

Yes, under the NSW Adoption Act (2000) you can apply to inherit the rights your mother would have had to the adoptee's Supply Authority, provided the adopted person is over 18. Steps you should take are as follows:

- A. Write to the Adoption Information Unit (address at end) requesting an authority to release the amended birth certificate.

You should enclose:

- i a letter outlining the circumstances under which you are wishing to be granted the rights of the deceased
- ii. evidence of your mother's death
- iii. evidence of her relationship to you, ie your birth certificate
- iv. evidence if you have changed your name, eg your marriage certificate
- v. copies of at least 2 forms of ID, eg, passport, drivers licence, Medicare or pension card.

- B. When your application has been approved, you become the “nominated relative” and have authority to apply for the identifying information from the Adoption Information Unit and send this plus \$135 or \$35 if you are on a pension, to the Adoption Information Unit. You will need to send 2 copies of the same ID as previously mentioned.
- C. You will also have the right to apply for information about the adoptive parents (recorded at the time of the adoption) called “Social & Medical Information”. This can be helpful in your search.
- D. You can place your name on the Reunion & Information Register. Phone the Adoption Information Unit or PARC if you did not receive application forms for the Register. There are no further charges for these.

2. My mother is still alive and wants me to help her find the adopted person - how do I do that?

Your mother will have to sign the *Supply Authority* application and provide copies of her identification; this can be done by mail, but for many birth mothers, stressful though it can be, direct involvement in the search process can contribute to healing her grief in a way that the sudden appearance of the “long lost child” may not.

3. My mother is still alive and refuses to speak about the adopted child let alone look for him or her, but I want to -how do I do this?

If this is the situation during your mother’s lifetime your only right is to place your name on the Reunion and Information Register - you should obtain a form from PARC or the Adoption Information Unit and write a letter explaining the situation. If your application is accepted the charge is \$65 or you may be entitled to pay the reduced fee of \$35 for holders of health care cards.

If you know the birth father of the adopted child and he is willing to help you, it is possible that he could have his name added to the Original Birth Certificate. He would then be entitled to the same information as your mother. If the father was married to your mother at the time of the adoption it is likely that his name is already on the adopted person’s Original Birth Certificate and he would have the same rights as the birth mother. In “exceptional circumstances” the Director General of the Department of Community Services has the right to release information other than as described above.

These exceptional circumstances are usually a medically urgent need (e.g. for a bone marrow donor) but other circumstances may be considered, e.g. you were fostered and have no contact with your birthmother or do not know her whereabouts. You may need to produce documentary evidence to support any claim of exceptional circumstances, e.g. a doctor’s letter. Please discuss these matters with a PARC counsellor if you have questions about your own circumstances.

4. I was adopted but I was a state ward and never knew my mother. What are my entitlements?

You are entitled to view your record held at the Department of Community Services - contact your local District Office (see telephone book). This may refer to other siblings. You will be entitled only to information about yourself and the circumstances of your admission to care.

Reunion & Information Register

For both adopted and non-adopted people it is recommended that you place your name on this register which has been kept by the Department of Community Services since 1976. You have a 15-20% chance that the person you seek is already on the register and if he or she is, the staff there will assist you in making contact. If he or she is not, you will be informed of this.

You can save both time and money spent in searches and certainly a lot of stress, if your sibling is on the register. If the adoption took place before 1965 it could have been arranged through a private adoption agency. It is worth while contacting the most likely agency as further social and medical information will be available which will assist you.

How do sibling reunions work out?

In "Birth Bond" by Gediman, while discussing post-reunion experiences of 300 birthmothers, the author wrote "the absence of a shared upbringing does not preclude the possibility of strong, even instantaneous kindred feelings". It is noted that the relationship between siblings is "less likely to be de-railed by unresolved issues" (e.g. by the adopted person feeling that they were rejected by the birth mother) and that the fact that the siblings are closer in age can make it easier to communicate with a newly found sibling than with a parent.

Our experience at PARC is that sibling reunions can be as complex as other reunion relationships. There may be complete disinterest and hostility (e.g. the birth mother's eldest child may feel deprived of their position or may exhibit sibling jealousy and resentment, particularly if one sibling has had a better life and more opportunities than the other.) Lifestyle, education, religion, interests and occupations can be so different that siblings have no common ground for a relationship.

Alternatively, warm and happy long-term relationships can grow, e.g. two siblings discover they have much in common and they develop a close relationship.

At the opposite end of the spectrum, opposite sex siblings may be very strongly drawn to each other. The strength of this attraction can be of a sexual nature and without the taboos which are built in when siblings have been brought up together. It can require determination, clear thinking and care for any pre-existing significant relationships to avert the damaging affects of the this kind of attraction. If you would like to talk to one of our counsellors or do some reading on this and other relationship issues that may affect sibling reunions, give us a call.

Wherever your relationship travels, you will experience many "ups and downs" - as in most relationships. Most siblings advise "take your time, don't rush, you've got the rest of your life" and "I give the other person space when they need it."

Lasting relationships can best occur when each sibling has been able to put themselves in the shoes of the other; so if you are adopted, you may benefit by finding out about birth families, the grief of the birthparent and how that impacts on the other children.

If you're not adopted, learn about the feelings of adopted people, their fear of rejection and struggle to establish an identity. You can do this by reading (PARC has a library of books, tapes and videos as well as books for sale), and by meeting other birth parents and adopted people (phone PARC for the nearest adoption support group to you, or information on where we are planning to hold discussion days). If you'd like telephone contact with another person in your situation, phone PARC and talk to a counsellor who will be able to put you in touch (first names only) with someone.

NB: The above information refers to NSW adoptions and the search process there. Every state of Australia has different adoption laws. For other states, phone PARC and we will give you the relevant contact numbers.

Chapter 10 "About Siblings" pp 185-201 in "Birth Bond" by JS Gediman and LP Brown published New Horizon Press New Jersey 1991.

Chapter 18 "Siblings" pp 162-167 in "Lost and Found": by BJ Lifton pub. Harper and Row , New York 1979

"Did I dream that"? "One woman's self discovery and Genetic Sexual Attraction" by Rose Blanchard in "Adoption Therapist" 1996 (copies available from PARC)

Sibling Reunions , a letter to those who been contacted by Randolph W Severson. Pub House of Tomorrow adoption Texas 1992

Useful Addresses:

NSW Registry of Births Deaths & Marriages
35 Regent Street
Chippendale NSW 2008
GPO Box 30
Sydney NSW 2001
1300 655 236

Adoption Information Unit
Locked Bag 4028
Ashfield NSW 2131
(02) 9716 3002 or
1300 799 023

Please phone us if you wish to talk further about any issues raised in this information sheet.

Post Adoption Resource Centre
PO Box 239
Bondi NSW 2026
T 02 9365 3444
F 02 9365 3666
E parc@bensoc.org.au
www.bensoc.org.au/parc