

Demi- Our six year long love story

For many reading my story, will remember me for the Carte Blanche insert on the 12th April 2009, where they exposed the story of "a fight between an adoptive mother's plight to keep her child and a biological mothers right to a child she felt was hers". "An ordeal that took six years to finalise and proved to be the longest, most drawn out adoption case in the history of South Africa."

My name is Lynn, and while Derek Watts introduced the story as a "fight between two mothers", for me it is a love story- the story of two moms who shared a love for a child for very different reasons.

In 2003, after having endured years of failed fertility treatment and finally being told I was probably never going to conceive, I looked at my alternatives, and adoption presented as the most attractive, at least through adoption if I was approved a baby would be guaranteed. All I ever wanted was to be a mom. I had fostered babies and children for many, many years, but had reached a stage, where I wanted to experience the full joy of being a mom, to be able to form a bond with a child that would not be taken away from me, and to create a relationship with a child with whom I could share my life with.

I approached a social worker in private practice, and within a month I was approved and two weeks later I was called to say I could go and collect my baby. It was overwhelmingly easy, when compared to all the trials and tribulations of failed fertility treatments. Six weeks was all it took and I was a mom.... and I was in my element. I thought, wow, at this rate, I am willing to do this several times over.

The feelings of excitement and joy that I felt on the day I collected my little three-and-a-half month old Demi were feelings I don't believe anyone other than an adoptive parent could possibly understand. Further to this, people may have opinions about how long it takes for an adoptive parent to bond with their baby, but in my situation, I can tell you Demi and I bonded within the first hour we were together, and that bond was to be the critical glue that keeps me going over what was possibly the worst experience of my life in the next few years to come.

I took maternity leave and treated myself to all the rights and privileges of any birth mom. For the next three to four months I was closer to this little baby than I was ever allowed to be to any infant or child who had passed through my care in terms of fostering. I had taken on all the responsibilities of a mom- taking out an educational policy, doing up her room, ensuring she was placed on my medical aid... all the normal "mom" stuff. All this time my experience was bliss.

At the end of my fifth month of having been a mom, and two days before the adoption was to be finalised in court, I received a call from my social worker, the call that would change my life in an instant.

Demi had been abandoned at birth in hospital, and no one was able to trace the mother or any relatives prior to her placement with me.

But at age eight months old her biological mother re-appeared, stating she wanted her baby back!

The social worker told me not to panic just yet, as often these mom's return, stir the pot a little and then disappear never to be seen or heard of again. How could I not panic, how could I not be filled with fear? My motherhood, my relationship I had formed, my love for this baby was now being threatened. About a month later, the mother returned after having been told to consider signing consent to the adoption, saying that she did not want the baby, but she also did not want a white family to have her, and felt that it would be best if her sister was to adopt the child. Her sister, also single, also a teacher like myself, lived in Zeerust and raised not only her own children, but also all three of the birth mom's other children.

It took several months for the sister to get her side of the process going in order to be screened and deemed a suitable alternative adoptive parent for Demi. In this time the birth mom and dad had signed their consent over to the sister. By this stage Demi was over the age of one.

When we finally got to court to proceed with both applications, after having had nigh on fifteen postponements, the magistrate who deals primarily with adoptions recused himself saying that the birth mother felt he was racist and he felt it best to pass the matter on to his senior, the commissioner.

Since I was able to provide my own legal representatives, the family needed to receive legal aid, which was another struggle all of its own, and led to a number of further postponements, and eventually resulted in the commissioner taking it personally upon himself to ensure that someone competent was sent to represent their side.

Finally the matter got under way, and while it would take too long to bore you with the details, let it just be said that commissioner clearly admitted and proved beyond doubt that he was unfamiliar with the Childcare Act, and my experience in magistrates court turned out to be far more entertaining than attending the comedy festival. They truly are a bunch of clowns.

Demi was now just over two years old, and finally we receive a judgement that was to shock us all. In his judgement the commissioner stated that he could not find reason to believe the mother abandoned this child, and therefore is declining both applicants (myself and the aunt) and returning the child to the birth mother with immediate effect.

I was devastated, in shock and traumatised and while I was being rushed off to hospital for shock treatment, my attorney and advocate was preparing documentation for an urgent application to the high court for an appeal. My advocate said that the judgement was fraught with legal errors as the commissioner could not give the child back to the mother as she was not an applicant in the matter. This judgement was impossible to execute in terms of the legislation.

In spite of the "urgent" appeal application made to the high court, it still took us almost two years to get a date. At this point Demi was four years old, and had had no access to the biological family at all.

In High court the two judges said that this was not an appeal matter but rather a matter that should be taken on review, simply because we were not appealing the magistrate's judgement but rather the legality thereof. They acknowledged that this matter had taken too long, and felt that to push it forward they would give a judgement of recommendations, which they hoped the review court would take into account when reviewing the case. Their recommendations were as follows:

- The biological mother was unfit to raise this child.
- The length of time it took the mother to return constitutes abandonment as per the constitutional definition of abandonment.
- The mother's refusal to sign consent for the operation the child needed in her first year, indicated deliberate neglect.
- It is in the best interests of this child to be placed in a permanent home with Ms. Noble.
- With these recommendations, they awarded me immediate interim custody of Demi giving me power of attorney to sign consent for her operation.

We left there slightly more upbeat but still without any real closure and so our application to the review court was processed. Six months later we had our day in review court and appeared before a female judge.

At 11am our matter was called and at this point no one from the biological side had appeared, not even their legal representative. The judge found in favour of me, she issued a default order of adoption in my favour.

Finally it was all over. Demi was finally mine. It was time to bring the past four years to a close with some festive celebrations and a couple of glasses of good champagne..... We could finally get on with our lives, or at least I thought so.....

At 2pm, I received a call from my attorney, a call that took me back to all those feelings I had with the initial call I received saying the biological mother had come to collect her baby. I was on edge, not knowing what to think. There was a silence that spoke a thousand words, and I just knew, it was all too good to be true. The conversation began as follows, "Lynn, I have just received a call from the judge, and she wants us to return to court before 4pm, apparently the biological side had been sitting in the wrong court room in the morning."

I did not return to court with them, the advocate and attorney said they would let me know once they had spoken to the judge.

At 8pm the same evening, the attorney called me and gave me the shocking, most overwhelming news that was yet to hit me. The judge had withdrawn her judgement and had referred the matter back to magistrate's court where she said the matter must be heard all over again by another magistrate and new evidence must be included. She said that the matter must start from scratch all over again! Can you imagine? In one day I had gone from being a mom with all the rights of a biological mother, to a puppet on a string by the afternoon. It was a very tough time for me, and put a lot of strain on my relationship with Demi. My fear of losing her intensified to the point that I landed up in hospital eventually.

I tried my best to remain strong for her sake, but it was so hard not to cry, not to break down, and not show how heart sore I was, not to show my anger at the system and not to feel like I was being slapped in the face undeservingly for taking in a baby who clearly needed a home!

For the next few months we spent our time redoing all the reports for court, gathering new evidence and psychological reports depicting the bond and relationship between Demi and myself that had formed to date, and prepared ourselves for our return to the dreaded magistrates court.

While all the preparations were going on we had a short reprieve from going to court, and for a while our lives normalised again. The state during this time appointed an attorney to solely represent Demi, a lady who, later proved to have her own agenda and would threaten the outcome of the matter.

It was in this time that I met Iain, a breath of fresh air, someone who was willing to listen, support and allow me to cry and express myself for all the pain and anger I was feeling. He was a godsend. Demi adored him, and it wasn't long before we entered into a relationship, where Demi was able to experience the full benefit of a father figure. I was financially broke, I was struggling to run my nursery school as well as keep myself going for the sake of Demi. I was an emotional wreck. I was tired, and possibly even, without realising it, severely depressed. Iain allowed me the space to just deal with everything gradually, while he "covered" for me with Demi, and assisted with ensuring that while I was dealing with all the formalities of the matter, he concentrated on just making Demi enjoy everyday. He played with her, engaged with her, took us on holidays and generally made us feel normal again.

At the end of 2007, Iain gave me the opportunity to let go of my business and to sell my house and to move in with him, where he allowed me to become a stay at home mom, focusing on the most important thing in my life: Demi.

His reasons were simple. He felt I needed to start enjoying Demi, the same way he was, without all the strain of trying to cover legal bills, bonds, running a business, dealing with courts, lawyers, psychologists, social workers and the like.

His words: "let me take some of the load off you Lynn". How could I not love this amazing man? I was finally set free of so many of the burdens I was struggling to keep on top of, and was now allowed to just enjoy my time with Demi.

We returned to court early 2007, at this stage Demi was five and was heading off to Grade 0 in 2008. The magistrate showed to be committed to finally bringing this matter to a close! We had many postponements again, due to normal delays such as the aunt not being able to make it during term, as she was a teacher, and the courts not having sufficient clerks and interpreters available, and the inability of everyone to reach consensus on a date that everyone could attend and various other frustrating reasons that resulted in a total of almost thirty postponements.

It was an intense period, being on the stand under cross examination was stressful. I was made to feel like I was completely incompetent. Everything I did, everything I said was under scrutiny and judgement, including my choice of partner, Iain. They used every angle to break me down and make me feel that unless I am a biological mother I have no right to be a mom at all! I was shattered. How is it that a woman who clearly abandoned her baby and showed no concern in the first nine months of her life, could be treated in such a respectful manner and have every resource available to her at no cost, and yet my caring for, loving, paying and raising the child was seen to be as evil, wrong and selfish? I was so washed out. I felt like everything I was doing, that I knew was right, was wrong in the eyes of the law. I was criticised for raising Demi as my own, I was criticised for changing her name to a name of my choice, I was criticised for not teaching her an African language, for not introducing her to her culture, for not just giving her back when I was asked to!

Despite what I was going through, it must be said that Demi too was experiencing her fair share of invasive procedures. Social workers claiming to be clinical psychologists imposing four hour assessments on her, and putting the three of us through intense evaluations, in order to seek something that would suggest evidence to support a reason to take Demi away.

Finally after hours and hours of sitting on hard court benches, listening to advocates and attorneys bash out legal jargon to support their position on the matter, and seeing the inside of therapists rooms more times than any normal person should ever need to, we finally reached the actual real end of the case. Yes, this was finally the end.

In November 2007, at 7pm on a Friday night, the magistrate finally drew the matter to a close and sent us home saying she would contact us when her judgement was ready.

We were extremely nervous and not very positive about the outcome. Our track record was not very good to date, and I was terrified that it was going to be the same sort of thing, one minute you're told you have won and the next you find yourself back in court fighting your side.

Two days short of a year later, November 2008, at 11:30am my attorney called me to give me the news. All I recall hearing was: "Lynn we have just received a 40 page judgement and all I need to tell you is that the order of adoption has been granted to you!"

Of course, at first, stunted by her words, I struggled to believe her! "REALLY? ARE YOU SURE? YEAH RIGHT! TELL ME THE TRUTH! STOP MESSING WITH ME, YOU HAVE OBVIOUSLY PHONED THE WRONG CLIENT."

But when she didn't respond with "*the truth*" I was anticipating, I realised it was all for real. It was over, I had won... and yes, I was now a mom.... not that I hadn't considered myself one for the past five years! But now I was a mom without all the insecurities and fears! I was a mom who could finally get on with my life and enjoy the pleasures of raising my little angel.

In the judgement the magistrate found the mother to be self-serving and not acting in the best interests of the child. She felt that the time that had lapsed was too great and would be severely detrimental to the development of the child.

Since I was not opposed to an open adoption allowing the mother supervised access, the magistrate further recommended that we allow the child to meet her birth mother. Iain and I felt that allowing her to meet her birth mother, was the least we could do considering that we have her for the rest of our lives, and that is the greatest blessing we could ever have hoped for!

One may ask, 'Lynn why on earth did you put yourself through all of this? Why didn't you just give her back and go and get another one? Why?'

The answer is simple, unless you have loved one of these little people and experienced the blessing of realising your own fate of not being able to conceive your own, and have opened your heart and life to allowing yourself to selflessly accept another as one of your own, no one can ever challenge your commitment and love to that little person. My love for Demi was worth more than all the heartache I experienced throughout the entire ordeal and it was worth every single minute!

I feel very strongly that as adoptive parents we should be treated as equal to the biological parent. Our role in society is imperative and necessary. Why should we be made to feel that our role and relationship with these children is secondary to that of a birth parent? These children come to us often as a result of some very sad circumstances, and that is not our fault. I view myself as a mom, not an adoptive mom. The only experience I have not had is conceiving and birthing Demi and that is such a small part of the life time we share with our children.

What do we feel our case achieved? This case presents as a voice adoptive parents or prospective parents out there who share the same fears and insecurities and who risk losing everything they love and have invested in simply based on their lack of a genetic relationship with the child. We stood up and demanded acknowledgement for our role, for our investment, and we made it clear that we will persevere to the end simply because we value ourselves as equally important in the child's life. We defended our relationship with the child, as well as her right to her relationship with us, and never denied her right to have a relationship with her birth mother, we just felt that she should not have to sacrifice the only parental and primary relationships she had ever known in order to have a relationship with her birth family.

We would like to think that our case has given every adoptive parent or prospective adoptive parent out there a voice, a right, and a new founded respect for the role they play.

Our message to anyone considering adoption or going through those fears and insecurities we know all too well.... never give up, never lose hope, never ever undermine your role and the importance of your relationship with the child. Always remember that child loves you, and deserves you and that is worth fighting for. Never doubt yourself. If you love and care for the

child, and have opened your heart and life to a little person, you are not doing anything wrong! Don't let others bring you down, and they will try. Your strength comes from the unsurpassed love that you and your child share. Don't ever give up, because that child would never give up on you!

Lastly, you are never alone. There are people out there who will fight your corner, support your cause and often they do it because your strength and determination resonates with them. We had the most incredible legal team who devoted much of their time and energy into this matter, often for no cost.

The extended support structure, social workers; psychologists; family and friends who stood by us throughout this ordeal provided us with the strength and support we needed to carry on.

Adoption is growing your child in your heart, when your tummy is not an option.