

April 2017.

What is adoption?

Adoption is a legal process where all legal rights and responsibilities for a child are transferred from the child's birth parents to the adoptive parents.

How and why is adoption different today?

A lot has been learnt from past practices and people whose lives have been touched by adoption. We have learnt that openness about a person's adopted status creates an environment where a child is more able to talk about their adoption and to know about their origins.

- *Adopted people* have talked about a need to know about their birth family, to allow them to grow and develop a sense of feeling whole. All adopted children have the legal right to know about their origins from the time of placement. Recognition of the genetic and emotional connection an adopted person has to their birth family and feeling supported to embrace their cultural and racial heritage helps the adopted person to develop a positive identity.
- *Birth parents* have taught us that they don't forget about their children who were adopted. A birth parent's need to know about their child's wellbeing is acknowledged. Their involvement in their child's life, by being involved in the choice of adoptive family for their child, or by direct or indirect ongoing contact, is valued.
- *Adoptive parents* have taught us that there are additional challenges in adoptive parenting. Adoptive parents are provided with a lot of information about adoption and given the opportunity to discuss their thoughts and feelings about their journey, in preparation seminars and the assessment process.

What is openness in adoption?

Openness refers to the way the child is supported to remain connected to their birth family and cultural heritage. Openness is more than mutually agreed contact that may occur between the adoptive and birth families, through letters, email, photos and meetings. Openness is an attitude as well as actions and is an integral part of adoption legislation and practice in NSW. Openness recognises the value to a child of understanding their background and that their adoptive and birth families are valued by each other. It is also about openness to the changes that will continue to occur in adoption practice as more is learnt about the meaning of adoption to the people who live it.

Who are the children needing families?

Local Adoption and Permanent Care Program (including the Special Placements Program)

About 10-20 children each year find adoptive or permanent care families through this program. The program identifies families for:

- Children whose birth parent/s voluntarily make a decision to consent to their child/ren's adoption. These children come from a variety of cultural, racial and social backgrounds, where there may be a family history of psychological, social or medical issues. The children are mostly aged 0-2 years however referrals are accepted for children aged up to 5 years, however this is rare.
- Children who require permanent care and are under the parental responsibility of the Minister for Family and Community Services (FACS) because they are unable to remain in the care of their parents or family members. The children are aged 0-5 years of age and may be a sibling group. For some of these children, adoption by their permanent carers may be part of the future plan for their care.

Special Placements Program

The Special Placements Program finds families for children with *specific requirements*, such as a significant medical conditions and/or developmental delay, older children and sibling groups.

There are slightly different procedures for the Special Placements Program. If you are interested in learning more about children with specific needs, call Adoption and Permanency Services (02 9716 3003). You may wish to be included on the mailing list and receive information when we have children in the program requiring placement.

Intercountry Adoption Program

To see the current countries that Australia has Intercountry Adoption programs with, information about the countries eligibility criteria and the children in need of adoption, please refer to the 'Partner Country' section of the Intercountry Adoption Australia website: <http://www.intercountryadoption.gov.au/thinking-about-adoption/countries/>.

We encourage you to read through this information.

Intercountry adoption within Australia occurs under the principles of the Hague *Convention on the Protection of Children and Co-operation in respect*

of *Intercountry Adoption*, of which Australia is a signatory. Australia also has bilateral agreements with some countries which are not members of the Convention, but whose practices satisfy the principles of the Hague Convention. The Convention establishes safeguards to ensure that Intercountry adoptions take place in the best interests of children and to prevent the abduction, sale or trafficking of children.

In 2015-16, 21 children were adopted from overseas by families in NSW¹. The typical age range of the children was between infancy to ten years and included siblings.

The waiting times across most Intercountry adoption programs have increased over recent years. Advice from some overseas countries indicates that there are only a small number of younger children (0-3 years) requiring overseas adoptive families. It is predicted that the number of younger children requiring permanent families from overseas will remain low in coming years.

Countries are increasing their ability to place young healthy children with families within their own country. Consequently there is an increasing demand for overseas adoptive families who can meet the needs of older children (generally aged over five years) and children with complex medical backgrounds and/or developmental delay. Families wishing to adopt older children or children with complex needs, need to be able to demonstrate the specific qualities needed to parent these children.

Limited overseas country programs accept single applicants. The few countries that do accept single applicants give priority to married couples. They typically only consider single applicants who are assessed as suitable and willing to adopt children who are older with complex social and medical backgrounds.

If you are interested or have been approached about adopting a relative or known child from an overseas country please refer to the relevant pages of the 'How to Apply' section of the Intercountry Adoption Australia website: <http://www.intercountryadoption.gov.au/thinking-about-adoption/apply/>

Please note: the *NSW Adoption Act 2000* does not support informal or private arrangements for adoption.

Adoption of Aboriginal and Torres Strait Islander children

Many Aboriginal people believe that adoption is inappropriate for Aboriginal children. These beliefs are based on traditional Aboriginal customs of child rearing where the whole family and community contributes to the raising of a

child rather than parenting responsibilities resting only with biological parents. Past practices of forced removals of Aboriginal children and its consequences also contribute to this view.

There is an alternative view in the community that Aboriginal children and their Aboriginal birth parents should not be denied the option of adoption, which is available to the wider community. Aboriginal people are diverse and there are many different circumstances in which adoption may be the best option for a child and their birth parents. The *Adoption Act 2000* (section 35) requires that Aboriginal people should be given the opportunity to participate with as much self determination as possible in decisions relating to the adoption of Aboriginal and Torres Strait Islander children.

FACS adopts the position of not actively pursuing or seeking out adoption for Aboriginal and Torres Strait Islander children. Adoption of Aboriginal and Torres Strait Islander children should only ever occur when:

- all other placement and permanency options have been thoroughly explored, exhausted and documented in detail
- appropriate and meaningful consultation with family, extended family and the Aboriginal and Torres Strait Islander community has occurred and been documented in detail; and
- there is clear evidence that adoption is in the best interests of the child compared to any other placement option.

Aboriginal and/or Torres Strait Islander families are needed for Aboriginal and/or Torres Strait Islander children. Please ring us at Adoption and Permanency Services (02 9716 3003) if you or your partner are Aboriginal or Torres Strait Islander and are interested in providing permanency for a child.

How to apply

To adopt a child in NSW you must be at least 21 years of age, resident or domiciled in NSW and meet legislated eligibility criteria for adoption applicants (see Attachment 1).

The adoption process moves in stages. New information at each stage helps you to consider whether adoption is for you. The more information you have the better position you are in to make a choice about whether you are ready, interested or able to move to the next stage.

At the time you apply to adopt, you are able to apply to be dually authorised as an adoptive applicant and authorised carer (foster carer). This means that you are able to be considered for placement of children for adoption as well as children requiring a permanent care placement.

If you are an authorised carer wishing to adopt the child in your care, please contact your OOHC Service Provider or caseworker directly to discuss your options.

The stages in applying to adopt through the Local Adoption and Permanent Care or Intercountry Program are as follows:

Stage 1: Read 'Thinking about Adoption'

Stage 2: Order an Adoption Information Package by using the order form (attached).

Stage 3: Submit the Expression of Interest (EOI) form in the Adoption Information Package if you think you may be eligible to adopt. If it appears from the EOI that you meet the criteria for the program you specify:

In the **Local Adoption and Permanent Care Program**, attendance at a seminar is by invitation, depending on the needs of the Program.

In the **Intercountry Program**, you will receive an invitation to book into a seminar.

Your EOI is valid for 12 months from the date that you receive written acknowledgement of receipt from Adoption and Permanency Services.

Stage 4: Attend a three day Preparation Seminar - an Adoption application package is provided at end of the Preparation Seminar

Stage 5: Lodge a formal application to adopt within 6 months of attending the seminar.

Stage 6: Undergo Adoption Assessment, which includes health, police and referee checks as well as interviews with an adoption assessor.

Stage 7: Approval decision made by Adoption and Permanency Services. If your application is approved an approval decision is valid for 4 years.

Stage 8: If approved in the **Local Adoption and Permanent Care Program**, you enter the pool of approved adoptive applicants and prepare a profile for consideration by birth parents. Placement occurs if you are chosen as the family best able to meet a child's needs and the birth parent's requests. There is no 'waiting list' or date priority system. Your profile may also be considered by FACS district or agency out of home care staff where a child is in need of a permanent placement.

If approved in the **Intercountry Program**, your adoption application is sent to the overseas country for their approval decision and if approved, your application will remain on their waiting list pending an adoption proposal. The decision to place a child for adoption with a family rests with the overseas adoption authorities. Timeframes vary from country to country.

Please note that in both programs, an update assessment is undertaken within 2 years of your approval date if placement has not occurred.

Stage 9: In the **Local Adoption and Permanent Care Program** - placement of a child occurs when chosen.

In the **Intercountry Program** – placement of a child typically occurs a number of months after an adoption proposal is received from the overseas country. The amount of time to travel to the overseas country to meet and pick up your child varies for each program.

Stage 10: Post Placement supervision by an adoption assessor or a FACS caseworker.

Stage 11: Order of Adoption in the NSW Supreme Court (this is not required for all intercountry adoptions).

Are there costs for adoption?

Fees are published in the Government Gazette and the approximate costs for each of the programs are as follows:

- **Local Adoption and Permanent Care:** Departmental fees of \$2,782 plus legal fees of \$834. Some Departmental and legal fees are waived for permanent care placements. If your application requires updating their will be additional fees for these services.
- **Intercountry Adoption:** Departmental fees of \$9,700 (first adoption application) and \$6,900 (second and subsequent adoption applications).

Intercountry adoption applicants face additional fees incurred in NSW and overseas including notarisisation, legalisation and authentication of documents, immigration sponsorship application fees, travel expenses, translation fees, charges imposed by the overseas country/agency and legal fees in both NSW and the overseas country. Please refer to the Intercountry Adoption Australia website for further detail about the individual country program costs.

There is a [hardship policy](#) that applies to FACS' fees for Intercountry adoption services. For further information refer to the Intercountry Adoption section on our website: <https://www.facs.nsw.gov.au/download?file=371565>

Special Placements Program

There are no fees for families interested in adopting a child through the Special Placements Program. However there may be expenses associated with travel and accommodation to attend the preparation seminar. Adoptive parents of children with high care needs may qualify to receive financial assistance to meet the costs of special aids or general support, in order to assist the child to meet developmental goals.

Other costs

In addition to the above costs applicants should plan so that the family can afford to have one parent at home as a full time carer for a minimum of 6 months after placement of a child. This time allows the child (who has already experienced a least one change of caregiver) the opportunity to settle in and attach to their adoptive parents and new family members, without the confusion of multiple carers or attendance at child care centres.

Is Family and Community Services the only adoption service provider?

FACS is currently the only agency in NSW that arranges Intercountry adoption placements.

Local adoption services are also provided through three accredited adoption services in NSW:

Family Spirit Adoption Services
Phone (02) 8709 9333

Anglicare Adoption Services
Phone (02) 9890 6855

Barnardos Find-a-Family Program – which specialises in adoption of children from foster care and works with families in the greater Sydney metropolitan, and some regional areas. Check their website for the contact details of the office in your area - www.barnardos.org.au.

What is the next step?

As outlined in Stage 2, complete the attached form to obtain an Adoption Information Package (see Attachment 2).

In the meantime visit our website for further information: www.facs.nsw.gov.au/families/adoption and the Intercountry Adoption Australia website: www.intercountryadoption.gov.au for further information on intercountry adoption.

How can I become an authorised foster carer

In NSW, authorised (foster) carers work directly with FACS or accredited out of home care service providers.

To find out more about foster care or to become an authorised carer you can:

- Visit www.myforeverfamily.org.au or
- Visit the FACS website: www.facs.nsw.gov.au/families/carers/foster-care/about

There is no cost to become an authorised carer.

1 Australian Institute of Health and Welfare 2016. Adoptions Australia 2015-16. Child welfare Series no.65. Cat. No. CWS 59. Canberra: AIHW.

Attachment 1**NSW criteria for assessment of adoption applicants**

The criteria for assessment of adoption applicants are outlined in Clause 45 of the *NSW Adoption Regulation 2015*.

The criteria are based on the understood needs of an adopted child and a belief that the best interests of the child are the paramount consideration in any adoption decision.

For the purposes of the *Regulation*, the relevant decision-maker is to consider the following matters when assessing the suitability of a person to be approved to adopt, and in the selection of a person to adopt, a child under the Act:

- a) the person's health, including emotional, physical and mental health
- b) the person's age and maturity
- c) the person's skills and life experience, in relation to the person's ability to undertake parenting tasks and attend to the specific needs of an adopted child
- d) the person's capacity to provide a stable, secure and beneficial emotional and physical environment during the child's upbringing until the child reaches social and emotional independence
- e) the person's financial circumstances, in relation to the person's capacity to adequately provide for the child's needs
- f) the person's capacity to support the maintenance of the child's cultural identity and religious faith (if any)
- g) the person's appreciation of the importance of and capacity to facilitate contact with the child's birth parents and family, and exchange of information about the child with the child's birth parents and family
- h) the general stability of the person's character
- i) the stability and quality of the person's relationship with his or her spouse (if any) and between the person, his or her spouse (if any) and other members of the person's family and household
- j) any information obtained or check conducted under clause 44 or the *Regulation* which includes a national criminal record check, criminal record checks from overseas countries you have lived in, NSW Working With Child Check, information from any Out of Home Care or Adoption Agency that you may have been involved within the past, for all applicants and any other members of the person's household
- k) if the person has had the care of a child before the application, whether the person has shown an ability to provide a stable, secure and beneficial emotional and physical environment for the child.
- l) If the person is, or at any time has been, an authorised carer – the person's compliance with any applicable provisions of the *Children and Young Persons (Care and Protection) Act 1998* and the regulations made under that Act.