

Adoption

Fact Sheet

03

updated January 2015

Adoption is a legal process in which a child becomes legally and permanently a member of a new family. Adoptions are handled by the community services or welfare department in your state. The state agencies involved are listed at the end of this fact sheet. In some states there are also private agencies for example CatholicCare Adoption Services, Anglicare Adoption Services and Barnardos Australia Adoptions. It is illegal to engage in a private adoption arrangement.

Adoption is not a treatment for infertility and all these agencies view the role of adoption as an option that can be used to provide permanent care for children who are unable to live with their birth families. There are three main programs for adoption:

- Local adoption and permanent care - birth parents voluntarily consent to their child's adoption.
- Out of home care adoptions - this involves adoption of a child for whom you are the foster carer.
- Intercountry adoption - this occurs between countries that are members of the Hague Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoption. Australia also has some bilateral agreements with countries that are not signatories.

Adoption process

Requirements for adoptive parents differ from state to state, and even between agencies. You should check with the agencies in your state for their specific requirements. The assessment process may be lengthy and may feel quite intrusive. The procedures involve a medical examination, gathering of relevant legal documents and a series of interviews with a social worker. These will look at your relationships with each other and with your extended family, your attitudes toward parenting and the specific challenges of parenting an adopted child. You will probably be asked to attend workshops or seminars on adoption.

Some of the criteria which may be used to assess your suitability may include the following:

- Your age, maturity and emotional, physical and mental health.
- Some states require either a stable marriage or proof of a stable de facto relationship of a certain number of years. Some states do not allow same sex couples to adopt and some do not allow single people to adopt.
- Skills that may make you a suitable parent e.g. have you already cared for a child and been able to provide stability and a favorable environment for a child.
- Ability to provide a stable, secure and beneficial emotional and physical environment for a child.
- Financial capacity to provide for a child's needs.

- Capacity to support connections of the child to cultural background or religion.

- Your appreciation of the importance of providing information and possibly contact with the birth parents.

- Your criminal history if relevant.

- Stability of relationships in your household and ages of other children in the family if relevant.

- Wishes of the birth parents as to who should adopt their child. The birth parents may be the people who choose you based on your profile of ethnic background, religion, marital status, lifestyle etc.

- Many states have requirements that IVF treatment be ceased for a specified time period before an application for adoption can be made.

- Being pregnant or that a previous surrogacy agreement has ceased for a specific time period.

- Your citizenship and that you are of good repute.

Open adoption is generally encouraged by agencies which means that the birth parents are able to have updates from you of the child or even contact depending on the adoption order from the courts. Waiting lists are less common as it is often the birth parents who stipulate that their child go to people of a certain background.

Intercountry Adoption

Babies, older children and groups of siblings are often available through intercountry adoption. Intercountry adoption is quite expensive. If you have citizenship of another country, or have some special affiliation with another country, it might be

easier for you to adopt from that country.

Australia has agreements with the following countries for intercountry adoption.

- Chile
- China
- Colombia
- Hong Kong
- Latvia
- Lithuania
- Philippines
- Poland
- South Africa
- South Korea
- Sri Lanka
- Taiwan
- Thailand

Note: your state may not have adoptions arrangements with all of these countries and these arrangements may change in the future. Intercountry adoptions usually involve more lengthy processes and other things to consider may include:

- Intercountry arrangements can be active, suspended or closed at any time even if you are well along the process of adoption.

- Some countries have limited resources to be able to assess the background of your child and your child could arrive with an undiagnosed medical condition or may have other social, mental or developmental problems.

- Adoption orders do not circumvent immigration laws.

Older child or special needs children

You should enquire at your state's welfare or community services department if you are interested in older child or special needs (usually disabled children) adoption. Some of the usual requirements may be waived for children with special needs. Most states have specific policies for the adoption of Aboriginal and Torres Strait Island children. These are designed to respect the cultural specific issues of the appropriateness of adoption for children with this heritage. The birth parents' rights of self-determination do remain paramount in this circumstance.

Questions to ask

The following list of questions may be useful in your fact finding for your own personal circumstances:

- What are the eligibility criteria for adoption within your state or agency?
- What are the age limits?
- What is the process of adoption and what are the steps I/we have to take?
- How are local and intercountry adoptions different and what do I need to know about both?
- Who makes the decisions of who is a suitable parent and who is involved?
- Is it possible to foster a child while I apply for adoption?
- What are the average times for placement and how will this affect my/our chances given my/our ages?
- Is there any chance the birth parents could change their mind? What safeguards are in place to prevent this?

Adoption

What happens after a child is placed with me/us, is the process complete or are we further assessed?

What support services are available to us to help with the unique situation of being an adoptive parent?

What is the legal, application, assessment, supervision and administrative costs involved and are there other costs I need to consider?

Do the birth parents and their family have contact with my/our child?

What information sessions and education will be available/required for me/us to best meet the needs of an adopted child?

If I/we are approved how long will the approval last? Does it expire at which time we have to reapply?

Some issues to consider

How resolved are you about infertility and not being able to have a biological child and the experience of pregnancy. How do you feel about your child's adopted status and how do you plan to help them deal with that?

How might family and friends feel about your adopted child?

Are you comfortable with possibly regular contact with the child's birth family?

Once adopted, your child will be issued with a new birth certificate with your surname. It is generally considered to be an important symbol of the past to recognise and respect the child's identity by maintaining their first name.

Adopted adults in Australia have access to their original Birth Certificates

and in some states birth parents also have access to information about their adult adopted child. Consider how you feel about this happening and what it might mean to you?

Be aware that older children, children from another country or children with disabilities will require special consideration in their adoptive families for issues around 'fitting in', language, education, medical needs, cultural needs, perhaps looking different to other members of your family etc. How resourceful are you to deal with this on a daily basis?

Will there be an impact on current relationships by adopting?

Good words to use to describe adoptive relationships

Birth Parents or Biological Parents (birth mother, birth father): This describes the man and woman who gave birth to a child. The terms real parent, real family or natural parent or natural child should be avoided as they infer a diminished importance to adoptive relationships. Similarly 'one of your own' also implies that adoptive children are somehow less important.

Australian Capital Territory Adoptions and Permanent Care Unit ACT Community Services
Phone: 02 6207 1335

New South Wales
Intercountry Adoption Program
Department of Family and Community Services
Phone: 02 9716 3000
Adoption Information Unit (Post Adoption)
Department of Family and Community Services
Phone: 1300 799 023 (within NSW & ACT)
02 9716 3005 from other states
Northern Territory

Adoption Unit
Department of Children and Families
Phone: 08 8922 7460

Queensland
Adoptions Services
Department of Communities, Child Safety and Disability Services
Phone: 07 3224 7415

South Australia
Adoption and Family Information Service
Department for Education and Child Development
Phone: 08 8207 0060

Tasmania
Adoption and Permanency Services
Department of Health and Human Services
Phone: 03 6166 0422

Victoria
Intercountry Adoption Service
Department of Health and Human Services
Phone: 03 8608 5700 or 1300 769 926 (Victoria only)

Family Information Networks & Discovery (FIND)
Department of Human Services
Phone: 03 8608 5700 or 1300 769 926 (Victoria only)

Western Australia
Post Adoption Services Fostering and Adoption Services
Department for Child Protection and Family Support
Phone: 08 9286 5200
Free call: 1800 182 178 (WA only)

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