

Mandatory Written Information for young people in out-of-home care (OOHC)

Open Adoption - What you need to know

Mandatory written information on open adoption for young people aged 12 or more in out-of-home care.

About this document

This booklet tells you what happens when young people and their carers are interested in open adoption. If you receive this booklet, it doesn't mean that you will be adopted.

You might change your mind or it may not be in your best interests. Open adoption takes time. It's not a decision that any one person can make. It must be assessed and considered by the New South Wales Supreme Court.

Open adoption can only happen if it meets your needs. Decisions are made because of what is best for you. The Department has designed this booklet so that it follows the journey that a young person takes if they go through the open adoption process. The sections in this booklet are:

- My carers and I are interested in open adoption
- I've been told there will be an assessment
- I've been asked if I want to consent to my adoption
- An adoption application has been sent to Court
- I've been adopted
- I'd like more information.

The NSW law about open adoption says that a young person must get the information in this booklet before they are asked to agree to their open adoption. A young person is someone aged 12–17. If you are under 12, you will not be asked to sign your agreement to open adoption but you will be asked to give us your thoughts and feelings about it.

Being adopted is an important step. Thinking about it might be stressful. It could put you in a hard position. I have great respect for your feelings, and your rights under our laws. So there are two things I want to encourage:

- Be informed. Read this booklet. Remember that you can't be adopted unless it is in your best interests.
- Seek help if you need it. Start with your caseworker. Ask them to explain anything that you don't understand. Tell them what matters to you.

Michael Coutts-Trotter,
Secretary - NSW Department of Communities and Justice

Acknowledgement: On Sorry Day 2008, the Australian Parliament apologised for the policies of past governments that led to the systematic removal of Aboriginal and Torres Strait Islander children from their families, communities and country – the Stolen Generations. For the pain and suffering caused by these policies, and our involvement in them, we are sorry. In 2012, the NSW Parliament apologised for the traumatic effects of the forced adoption practices of the past. The effects have echoed through the lives of tens of thousands of mothers, fathers, adopted people and their families. To those living with the ongoing grief and pain of forced adoption practices, we are sorry.

Accessing this booklet

We are committed to providing accessible services to people from culturally and linguistically diverse backgrounds. If you have difficulty in understanding this booklet you can:

- Contact Translating and Interpreting Service (TIS national) 131 450.
- Download this booklet in PDF (websearch: mandatory written information) and be heard using Adobe Acrobat's Read Out Loud function.
- Ask your caseworker if the Department has a multicultural support worker who can speak with you in your community language.
- Take a break. You don't have to read this whole booklet at once. You can go to the section you want to know more about at anytime, write down anything you don't understand or ask your caseworker to explain.

Some terms in this booklet

- Carers means people who look after you.
- Parents means your mother and father at birth.
- Family or birth family means your family you were born to – parents, brothers, sisters, aunts, uncles and kin.
- Adoptive parents means your carers, if they became your legal parents.
- Adoptive family means your legal family after open adoption – your legal brothers, sisters, aunts, uncles and kin.
- Arrangements means the way you live – your home, the people around you and what the Court says.
- Parental responsibility means the right to make decisions about what's best for you in your childhood.
- Court order means a legal decision that is a rule that must be followed.
- Agency means a non-government open adoption agency that is managing your care. They aim to provide a stable and permanent home to children in out-of-home care.
- The Department means NSW Department of Communities and Justice.

Chapter 1. My carers and I are interested in open adoption

This section looks at what you need to know if you want to be adopted and your carers would like to adopt you. It explains what an open adoption is. It looks at other options that might meet your needs.

Key points in this section

- What is an open adoption?
- Open adoption is for you and is for your whole life.
- 'Open' means your life before adoption is an important part of you, and your life story continues with two families.
- 'Open' means you remain connected to your birth family and culture.
- Openness may help you to feel comfortable and able to talk about yourself and all the things that make you who you are.

What are the other choices instead of open adoption?

When you are in out-of-home care and thinking about open adoption, other choices can also be explored. These include:

- A Court order that gives parental responsibility to your carers, such as a guardianship order.
- Keeping things as they are now with your carers.

Remember, the Department and the Court must consider what is best for you.

About open adoption

Why is open adoption being considered for you?

When you can't stay safely together with your family, your caseworker helps to find you a safe and loving home for life. When that planning happens, open adoption is sometimes looked at.

In your case, open adoption is the goal. That's why you have been given this booklet.

Keep in mind that the goal can be changed. To be sure that open adoption is best for you, your caseworker talks to all of the people who:

- play a part in your life
- are connected to you
- have information about you.

Most important of all, your caseworker talks to you. Your views and your feelings matter.

To be very sure that open adoption is best for you, your caseworker arranges an assessment. This is a check from a trained person who hasn't been involved with you before. See section 'I've been told there will be an assessment' on page 13.

What is an open adoption?

Open adoption is a legal process. It gives your carers all the rights and responsibilities of being your parents. It does not end when you are 18. It lasts for your whole life. When you are adopted, you get new birth certificates. An amended Birth Certificate that shows you being part of your adoptive family since birth and an Integrated Birth Certificate (IBC) that includes information about your birth parents and siblings, as well as your adoptive parents and siblings. See 'Introducing Birth Certificates' factsheet at the end of this booklet.

You will always be connected with the people in your birth family, but after open adoption they stop being legally related to you. This does not mean you need to stop seeing your family or having other types of family time with them.

Who is the main focus in an open adoption?

You are. Open adoption is a service for you right through your childhood and your adult life. It is to meet your needs and to help you grow up where it is best for you. Open adoption is not provided to fulfil the wishes and hopes of any other person.

Of course, other people are important. A lot of time will be spent talking with your carers and with people in your carers' family, as well as your parents and close family members. All of these people have feelings and opinions about the idea of open adoption.

Take a moment: How do you feel about open adoption right now? What things do you want to find out? Read this booklet very carefully. If you prefer, go through this booklet with someone you trust. If it doesn't answer your questions, talk to your caseworker.

Why do we say adoption is 'open'?

In the past, 'closed' adoptions were common. In a closed adoption, parents and children had no family time with each other and weren't able to get information about one another. Often, a child was not even told that they had been adopted. Today, openness is part of adoption law. An adopted child is helped to stay connected to their family and their culture.

How is openness put into practice?

Open adoption needs an open attitude and the sharing of time and information between two families. An open attitude helps adopted children to:

- understand that they have more than one family
- keep building relationships with family members through talking, messaging and spending time together where possible

- feel free to talk about their family and culture, and share their thoughts and feelings about being adopted.

What role do open adoption agencies play?

Open adoption agencies are called accredited adoption service providers. They teach and assess carers to make sure the carers can help you stay connected to your family and culture after adoption. These agencies understand that being born in one family and growing up in another family might be hard. The Department is an open adoption agency and some non-government organisations are also open adoption agencies. See section 'I'd like more information' on page 40 for a list of open adoption service providers.

Take a moment: Do you know the difference between the closed adoptions of the past and the open adoptions of today? If no, ask your caseworker to explain.

Alternatives to open adoption

Does the Department look at other options?

Yes. The law says that when open adoption is being looked at for you, all options about your care must be explored. This is to make sure that any order of the Court is in your best interests. An order is a decision, or ruling, made by the Court.

What are the alternatives?

When returning to live with your parents is not the best option, open adoption is one of the ways you and your carers can keep living together. Some other ways include:

- Giving parental responsibility to your carers through a guardianship order, or
- Keeping things the way they are now, in long term care. That generally means you remain with your carers under the parental responsibility of the Minister for the Department.

These arrangements are not for life and the legal part ends when you turn 18. For some children, they may not give the sense of belonging or the legal security that adoption can.

Important things to remember

- You will remain living with your carers even if alternatives to open adoption are explored.
- Any order made by the Court must be in your best interests.
- Guardianship is a good option for many children. Guardians make all parenting decisions. They help you stay connected to family and culture. Your birth certificate does not change and you remain a legal member of your family.

Take a moment Do you think one of these alternatives may suit you better? If yes, ask your caseworker to explain, or view online information about guardianship (websearch: what is guardianship?).

Chapter 2 - I've been told there will be an assessment

This section looks at the adoption assessment. It explains who the assessor is, and what they look at. It explains what the assessor does and how the assessor decides if:

- Your carers are suitable people to adopt you, and
- Adoption is in your best interests.

It also explains the planning that is done to support your life after adoption, and the role of your parents.

Key points in this section

What is the assessment process?

1. Your carers or you express an interest in open adoption.
2. Your carers apply to adopt you. They also attend an adoption information session to learn more about the responsibilities of being an adoptive parent.
3. An assessor spends time with each carer to check if they can meet your needs and are suitable people to adopt you.
4. The assessor spends time with you, to discuss your needs, feelings and opinions and to find out what matters to you.
5. The assessor works to meet with your birth parents and with family members who are important to you, to hear their views.
6. The assessor gives an opinion. If the assessor supports adoption, the Department or your agency must give their approval before any further action is taken.

What do assessors consider?

- The wishes of each parent, as well as your wishes.
- Your wellbeing and your needs and how they will be met by your carers.
- The main relationships in your life, including your relationships with members of your family and with your carers.
- Your carers' character (what kind of person they are), health, maturity and parenting ability.
- How well your carers are able to keep up family time with your parents and siblings, and how well they can help you to know and value the things that are part of your culture.
- If there is any other option instead of adoption that might be better for you.

What is an Adoption Plan?

- An Adoption Plan is a written agreement about how you will remain connected to your family and culture if an adoption order is made.
- Agreeing to the Adoption Plan means you agree to the arrangements in the plan.
- 'Registering' an Adoption Plan means the Court can make sure everyone follows the arrangements in the plan.
- If things change in the future the Adoption Plan can be updated.

Assessment

Why is there an assessment?

You probably know that assessing something means 'checking it out' and 'weighing it up'. The idea of adoption has to be assessed. This assessment is required by law to make sure that:

- your carers are suitable people to adopt you
- adoption is in your best interests – better than any other action that could be taken, including leaving things the way they are.

Who does the assessment?

Your agency selects a person who:

- is trained to assess whether adoption is in your best interests, and
- has not been involved in managing your care.

How long does the assessment take?

The assessment is likely to take around four months. The assessor needs time to make sure the assessment is fair, and that all important aspects are looked at. See 'What do assessors look at?' on the next page. It also gives the assessor a chance to talk with you, your carers and your family as often as they need.

What happens in an assessment?

- The assessor reads information that helps them to understand your life story – who you are and what has happened in your life.
- The assessor spends time in your home talking with you, your carers, and any other people who live with you.
- The assessor spends time with you to find out what you think about being adopted, what questions or concerns you might have, and what things matter the most to you.
- The assessor spends time talking with members of your family and with any other people who are important in your life.
- The assessor looks at the ways you will remain connected to your family and culture.
- The assessor writes a report about the information they have collected and gives their opinion about adoption. The most important thing the assessor will think about is whether adoption is in your best interests – not just now, but for your whole life.
- If adoption is recommended, an Adoption Plan is drafted. See section 'What is an Adoption Plan?' on page 18.
- The assessor will explain what happens to the information you give them, and how it will be shared. You can then make a decision about what you want to share.

What do assessors look at?

- Your wishes.
- The wishes of your parents and carers.
- Your age, maturity, background and family relationships.
- Your physical, emotional and educational needs.
- Your sense of personal, family and cultural identity (what makes you who you are).
- Any disability or special needs that you have.

- The relationship you have with your parents, your siblings, other family members, and other important people.
- The attitude of your carers to the idea of being your parents and how they feel towards you.
- The relationship you have with your carers.

How are your carers assessed?

Many important things must be looked at when deciding if a person is suitable to be an adoptive parent, such as:

- their health
- their age and maturity
- their skills and life experience
- whether they will be able to look after you as your parent
- whether they can give you a stable, secure and positive place to live
- whether they will support you to know your culture
- how much they will try to keep you connected with your family
- their character (what kind of person they are)
- how they get on with other people in their family and people living in their house.

What does the assessor provide when the assessment is complete?

- An assessment report that explains whether:
 - your carers are suitable to adopt you, and
 - adoption is in your best interests and better than any other option and, if adoption is recommended.
- A draft Adoption Plan that suggests a plan of how you will stay connected to your family and other important people. See more about Adoption Plans in the next section.

What will happen next?

If the adoption assessor does not think that adoption is in your best interests, then the adoption will not go ahead. This does not necessarily mean that adoption will never be considered again. It is possible that the adoption will be placed on hold and discussed at a later date. If adoption is recommended, a decision-maker in the Department, or the agency that manages your care, will decide whether to go ahead and apply to the Court for adoption.

Take a moment: Do you understand the purpose and the activities of assessment? If no, ask your caseworker for more detail.

Adoption Plan

What is an Adoption Plan?

An Adoption Plan is a written agreement about what things will be like after open adoption. Think of it as a 'connection plan'. It covers things like:

- how you are going to stay connected to your birth family and culture
- the kind of information your parents will receive about you – things like important life events and how things are going for you, including your health

- the family time you will have with your parents and other family members:
 - The plan will say when you will meet, where, how often, and who will be there if face-to-face family time is best for you.
 - It will also mention other ways of keeping in touch.
- the kind of financial assistance e.g. an adoption allowance, or other assistance that might be provided to help you.

What if spending time with birth family is working well?

Spending time with your family doesn't have to change after you are adopted, especially if the time spent together is working well for you. Things might change, though, if:

- someone in your family wants to start up regular family time with you
- you feel that you want to have more or less family time with someone
- the number of meetings or the amount of travel would not allow you to live a normal life with your adoptive family.

Who is involved in an Adoption Plan?

An Adoption Plan is a plan agreed to by two or more of the following people:

- You
- Your parents
- Your carers
- The Secretary of the Department
- The principal officer of an adoption agency.

Other people can also be involved in the plan such as relatives and brothers and sisters.

How will I be involved in the Adoption Plan?

The law about adoption says that children should have the chance to take part in decisions that will have a big impact on their life.

When you talk to the assessor, you will have a chance to talk about your life after open adoption, if an adoption order is made. See the previous section for more about assessment.

If the assessor supports open adoption, (s)he will start to prepare the Adoption Plan. The plan will include your ideas. Before you consent, you will have another chance to check the Adoption Plan. You, your family and your carers will be asked to look at the draft Adoption Plan and say what you think about it. There will be time to discuss different opinions and make the plan better. It's important to have an Adoption Plan that everyone can stick to, because there won't be a caseworker to help out after adoption.

Because you are over 12, you will be asked to sign the finished Adoption Plan. This means that you need to understand what is written in the plan and agree with it. It is important that you talk openly with your carers and your caseworker about what you want and how you feel.

What does 'registering' an Adoption Plan mean?

The Court, and everyone who is involved in an Adoption Plan, expects the Adoption Plan to be followed. However, sometimes a person may want to feel more certain about the plan.

If any person involved in an Adoption Plan is worried that it might not be followed, the plan can be registered by the NSW Supreme Court. If a plan is registered, it is like an order of the Court.

How is an Adoption Plan reviewed?

If things change after an adoption order, it is important that you, your adoptive family and your birth family try to talk about the things that aren't working. This is so you can all try and reach an agreement that suits everyone. If everyone involved in the Adoption Plan is happy to make changes, there is no need to involve the Court.

If there is disagreement about the changes, your parents or your carers may be able to ask the Court to review the plan. If you need help to manage disagreement, you can ask for the support of the Department's Adoption Information Unit. See section 'I'd like more information' on page 40 for contact details.

Things to remember

- The Adoption Plan is one of the things the Court thinks about when making a decision about adoption.
- The Court has the power to review an Adoption Plan and change it if necessary.
- The Court has the power to enforce a registered Adoption Plan.

Take a moment: Do you have any questions about family time now or in the future? It's important you talk openly to your caseworker and carers about what you want and how you feel. Ask your caseworker for more detail if you have any questions.

Chapter 3 - I've been asked if I want to consent to my adoption

This section looks at what it means to give consent to your adoption. It explains whether or not you have to consent, and what happens if you change your mind.

Key points in this section

How do I decide to give consent?

1. First, you receive this booklet. A caseworker will go through it with you and answer your questions.
2. At any time, you can change your mind and decide not to consent to adoption.
3. If you decide to consent, you will talk to a counsellor so that you understand all about adoption and how it may affect you.
4. You can give consent to your adoption 3 days after seeing the counsellor, but no more than 30 days after.
5. You will sign a paper called an 'Instrument of Consent'.
6. You will also be given a paper that lets you take back your consent in case you change your mind.

About consent

Why am I being asked to consent?

The law puts your views and wishes first. If you are aged 12 or over, you understand the meaning of giving consent, and you have lived with your carers for at least 2 years, your consent is the only one needed.

Don't my parents, my carers and the Minister get a say?

- The views of your parents are very important, but once you reach a certain level of maturity, the law says that you can decide for yourself.
- The support of your carers is important but they don't have parental responsibility for you which means they won't be asked to give consent.
- The support of the Minister for the Department is also important. The Minister has parental responsibility and needs to be sure that adoption is in your best interests. However, once you are 12, the legal consent to adoption is yours to give, not the Minister's.

A child can't consent to adoption when they:

- are under 12, or
- do not understand what it means to give consent, or
- have been living with their carers for less than 2 years.

What about children who are under 12?

If adoption is the best care arrangement for a younger child, it won't be 'put on hold' until the child is old enough to consent. In this case, the child's parents will be asked to consent.

If you are going to turn 12 soon, a lot of work can be done before your twelfth birthday so that:

- there is no delay in getting your adoption application ready
- you still get a chance to give your own consent.

How can I be sure of what it will mean to give consent?

An adoption counsellor will talk to you. It is the counsellor's job to:

- explain why you have been given the information in this booklet
- make sure that you understand what it means to give consent
- make sure that you understand the other choices that could be made – including leaving things the way they are now. See section 'Alternatives to open adoption' on page 11.

The counsellor also has another very important job, to help you think about the feelings that adoption can bring. Choosing to be adopted can be difficult. It is common for young people to have mixed emotions.

You might have some negative feelings such as loss, guilt, confusion and anxiety as well as the positive feelings of happiness, relief, excitement and a sense of belonging. The counsellor will help you to recognise that all these feelings are natural. The counsellor works with other young people who face similar situations. They will help you think about what lies ahead.

Every young person has different levels of emotional maturity. Some are ready to sign a legal document, others are not. If the counsellor does not feel that you understand what it means to give consent, you will not be asked for your signed consent. In this case, an adoption could still go ahead, but first the Court must decide that your consent is not needed.

What if I don't want to give my consent?

You don't have to. If you decide that adoption is not right for you, your caseworker will look at different options. This does not mean your care arrangements will change. See section 'Alternatives to open adoption' on page 11.

How do I consent?

If you decide to give consent to your adoption, you will be guided through the following steps:

- You must receive a copy of this booklet at least 14 days before giving consent.
- You receive counselling. See previous section.
- You can give consent 3 days (72 hours) after receiving counselling but no more than 30 days after.
- You give your consent when you sign a paper called an 'Instrument of Consent'.
- A qualified person, who is not your caseworker or counsellor, must watch you sign your consent.
- You receive a copy of your signed consent and a paper to fill in if you decide you want to take back your consent.
- Your signed consent is included in the application for your adoption and sent to the NSW Supreme Court.

What does it mean to give my signed consent?

- Your signed, witnessed consent is a legal document.
- It will be given to the Court to show your agreement.
- 'Witnessed consent' means a qualified person watches you sign the consent form.
- Go to the back of this booklet to take a look at the sample consent forms.

Taking back consent

What if I change my mind?

You have a right to take back (revoke) your consent to adoption at any time before the adoption order is made.

If I change my mind, how do I take back consent?

You will receive a paper called a 'revocation notice' when you sign the consent to your adoption. If you

change your mind and want to take back your consent, you need to let the Court know by filling in this paper. Go to the back of this booklet to take a look at the sample revocation notice.

How do I make sure the Court knows I have changed my mind?

It's best to get help. You can also take the revocation notice to the Supreme Court yourself, send it by mail or have it delivered. The notice must arrive at the Supreme Court before the adoption order is made. The notice must be in writing and must be fully completed.

The address of the Supreme Court is:

The Registrar in Equity (Adoption Clerk) Supreme Court of NSW Queens Square, Sydney, NSW 2000

Who can I talk to about this?

If you need help to take back your consent you can talk with your caseworker, the agency, a Legal Aid lawyer or the adoption clerk at the Supreme Court. See section 'I'd like more Information' at the end of this booklet.

What if I lose the revocation notice?

It's okay. You can write a letter that clearly says, 'I wish to revoke the consent to my adoption' with the following details:

- Your full name, address, phone number.
- Your date and place of birth.
- Your carers' names.
- The date you gave consent to adoption.
- The agency that manages your care.

Sign and date your letter before sending it to the Court.

What will happen to me if I revoke consent?

Your wishes and feelings come first. Remember: adoption is a service that is provided for your benefit, not anyone else's. It will not go ahead if you don't want it. Things can stay exactly as they are, or your caseworker will look at alternatives to open adoption with your carers. See section 'Alternatives to open adoption' on page 11.

Can I change my mind after an adoption order is made?

No. An adoption order makes you a legal member of the adoptive family for life. It doesn't stop at 18 like orders of guardianship or parental responsibility to the Minister. This is why you must be sure you want to be adopted – and it is why you are given this booklet, provided with counselling and given the chance to take back your consent before the Court makes a decision.

Chapter 4 – An adoption application has been sent to Court

This section looks at the Court process. It explains what happens when your adoption application is at Court, what happens if either one of your parents disagrees with the adoption, and what the judge does.

Key points in this section

What happens with my adoption application at Court?

- A caseworker lets you and your carers know that an adoption application has been given to the Court.
- Your parents get an official notice that the application has been given to the Court.
- Your parents have 14 days to tell the Court that they want to oppose (go against) the adoption. If they do this, the Court sets a date to hear their reasons. This is called a 'hearing'.
- If your parents don't oppose the adoption, the application goes to a judge. The judge looks at the application, decides whether adoption is the best thing for you, and makes an order.
- If your parents oppose the adoption, there may be a number of hearings before the judge makes a decision. This can take many months.

The Court process

Applying to the Court

Only the Department or an agency can send an adoption application to the NSW Supreme Court.

Sending an adoption application to the Court is known as 'filing at Court'.

Your adoption application is prepared by the Department or an agency. There is a lot of information in an adoption application that helps the Court to understand:

- who you are
- things that have happened in your life
- how you've been going since you've been living with your carers
- your views and wishes (including your signed consent)
- your family's views and wishes
- your carers' ability to meet your needs after adoption, without any caseworker help
- the reasons why the Court is being asked to make an order of adoption.

Will I be told when my application is at Court?

Yes. The Department or your agency will let you and your carers know that your adoption application is at Court. Your parents will get an official notice telling them that an application has been sent to the Court. After that, they will have 14 days to say whether they want to oppose (go against) the application in Court.

Your parents will also get an up-to-date copy of the Adoption Plan. The plan is given to them to make sure that they know about the planned family time with you if an adoption order is made.

What is the role of the judge?

The judge usually looks at all the adoption application papers in the office (in chambers). Sometimes the judge might ask for more information. The next step depends on whether the application is 'contested' (somebody wants to oppose the adoption in Court).

What happens if my parents don't oppose the adoption in Court?

If no one tells the Court that they want to oppose the adoption, the judge will make a decision in the office. This includes an order of adoption or another order, such as leaving things the way they are. Sometimes, if your carers request it, the judge can set a date for you and your carers to attend the Supreme Court. In this case, the judge can make an adoption order in the Courtroom with you there to

see it happen.

What if my parents oppose the open adoption in Court?

If either of your parents tells the Court in writing that they want to oppose the adoption, the Court will set a date to hear why they don't agree with it. This can happen even if you have consented to your adoption. To give everybody a fair chance, the Court usually needs to set a number of hearings (Courtroom dates). This gives your parents a chance to:

- get legal help
- read the adoption application
- prepare documents that explain why they oppose the application.

Adoption cases are taken very seriously. If your parents tell the Court in writing that they want to oppose the adoption, you should expect the case to take many months before the Court makes a decision. During this time, your life will go on as usual and you will continue to live with your carers.

During the Court case (sometimes called 'proceedings'), your carers and your parents will probably go and speak with the judge. After the judge hears all the evidence, the judge considers whether adoption is the best thing for you. Usually, you will not need to go to Court.

After the decision

If an adoption order is made by the judge, the Court sends the official adoption order to your agency. A notice is sent to the NSW Registry of Births, Deaths and Marriages so they know to change your birth certificates.

Your carers – now your adoptive parents – will be given a letter telling them when the adoption order was made. They will also get a copy of your adoption order, your original birth certificate and information on how to apply for your new birth certificates.

If an adoption order is not made, your caseworker will be in touch to discuss the decision of the Court and the next steps.

Chapter 5 – I've been adopted

This section looks at what happens after the Court has made an adoption order. It outlines the legal effects of the adoption. It also looks at the feelings you may experience as a result of the adoption.

Key points in this section

What are the legal effects of my adoption?

- You become a legal member of the adoptive family.
- You get updated birth certificates.
- You can take your adoptive family's last name if you wish.
- You have the right to inherit from your adoptive parents.
- Your adoptive parents make all the parenting decisions about your upbringing.
- Your agency and your caseworker won't be involved in your care.

How might my parents feel?

Decisions about adoption can be hard and at times confusing for parents. In the short term parents may:

- Feel confident that adoption is in your best interest.
- Find it hard that you will have a new identity.
- Feel all hope is gone to have you back in their care.
- Feel grateful that you are no longer in out-of-home care and you will remain in a safe, loving home.

In the long term parents may:

- Have positive feelings about what adoption is giving.
- Feel relieved that they can continue to stay close to you and have regular family time.
- Find that family time with you brings a mixture of happiness and sadness.

How might I feel?

It's hard to know. It is likely that you might experience mixed feelings.

Some children have said they feel:

- Upset if their parents don't support their adoption.
- Sad that they couldn't live with their family.
- They have to try and keep both of their families happy.
- Confused about who they are.

Other children have said they feel:

- They can finally relax because they know for sure where they will live and grow up.
- They really belong and are part of their adoptive family.
- Glad that they are no longer a foster child.
- Glad to know there is a plan to stay connected with their family, if that is their wish.

Adoption orders

What happens when an adoption order is made?

An adoption order gives your carers all of the rights and responsibilities of being your parents. It is permanent. Your adoptive parents will be your legal parents for the rest of your life.

Can my parents appeal the decision?

Your parents can apply to the Court of Appeal to have the adoption order discharged (cancelled). But this doesn't happen very often. The only legal reasons for changing an adoption order are:

- if something seriously dishonest was done to get your consent or get the adoption order made
- some other exception (something way out of the ordinary).

What changes as a result of an adoption order?

New birth certificates

Once an adoption order is made, the Registrar of Births, Deaths and Marriages issues two new birth certificates for you.

1. An amended birth certificate that will say your adoptive parents and any siblings have been your family since your date of birth.
2. An Integrated Birth Certificate (IBC) that will include information about your birth parents, any birth siblings as well as your adoptive parents and any adoptive siblings.

Both certificates can be used for legal purposes, giving you the choice to use whichever one you prefer. You can still keep your original birth certificate but it won't be one that you can legally use and will be marked 'not for official purposes'. See 'Introducing Birth Certificates' factsheet at the end of this booklet.

In summary:

- You will no longer be legally related to the members of your family (although you will always be connected by birth).
- You will become a legal member of your adoptive family, and you can take their family name if you wish.

Access and family time

Open adoption means that as an adopted child, you know as much as possible about who you are and you stay connected to your family and culture.

After an adoption order, the Adoption Plan takes effect. See section 'Adoption Plan' on page 18 for information.

Inheritance

Children have a right to receive some of their parents' money and property after their parents pass away. If you are adopted you:

- have a right to receive some of your adoptive parents' money and property after they pass away
- do not have a right to receive any of your birth parents' money and property after they pass away.

Emotional effects of adoption on me

How might I feel?

It is hard to predict how you will feel after being adopted. Some young people have said that they feel:

- upset if their parents don't support their adoption
- sad that they couldn't live their life together with their birth family
- worried that they will lose family time with their parents, siblings or other important family members
- pulled in two directions, between their birth parents and adoptive parents
- confused about who they are
- worried about 'keeping the peace' between their two families.

Some other children have said that they feel:

- they really 'belong'
- secure and safe, because they now know for certain where they will be staying
- what the law says is the way things really are
- glad that they are no longer a 'foster child' or a 'child in care'
- glad to know there is a plan to stay connected with birth family
- more relaxed and happy now that everything has been decided.

If you do have some negative feelings after adoption, it is natural. It can make a big difference if you connect with people who know what it is like to be adopted or grow up in out-of-home care. It is also helpful to seek counselling and support from organisations who can understand your life story. See

section 'Support organisations' on page 41.

Emotional effects of adoption on my parents

How might they feel in the short term?

Parents tell us that when their child has been adopted from out-of-home care, it can be hard for them. Your parents might go through some of the experiences below:

- It can remind them that they lost their parenting rights when you were removed from them and placed in out-of-home care.
- It can upset them that you have new birth certificates and family name.
- It can raise their fears about losing family time with you because there is no more agency case management.

Your parents may also have positive reactions. For example, they may be:

- relieved that the legal process is all over
- reassured that you have a permanent and loving home for life
- glad to see that you are the same person, with the same nature, and that adoption does not change who you are inside
- confident that adoption is the best choice for you now and in the future
- glad that they can continue to stay close to you and have regular family time.

How might they feel in the long term?

Your parents will probably always feel some sense of loss. They might go through some of the following:

- Their emotional health may be affected and they may need to get counselling or support.
- Ongoing family time means that they will not have to wonder how you are or what you look like, but it is a constant reminder that someone else is taking care of you.
- It can be difficult to deal with the fact that you have two sets of parents.
- Family time may bring a mixture of happiness and sadness. They might go through stages where they find it hard to keep up meeting with you – not because of their feelings about you but because they feel so much loss and regret.

They may also feel:

- growing confidence that family time will not be 'taken away' and that you will always be a part of their life
- positive about the things you are achieving and the future that you have
- that they can move on positively with their own lives and not be 'stuck in the past' and the feelings of that time.

How might my parents feel about my adoptive parents?

Your parents' relationship with your adoptive parents may be difficult at times. Your parents may have feelings of hurt or anger towards them for having you in their care. It is important to remember that your adoptive parents will be ready for situations like these. They will know that things can go up and down and they won't be surprised if it is sometimes hard to get on with members of your birth family. They have agreed to support open adoption.

They will know that bad feelings are not likely to be as strong if your birth parents are able to keep up family time with you. If family time is going well and as planned, your birth parents may also have a good relationship with your adoptive parents.

How might they feel about me?

Some parents feel positive about the benefit of adoption for their child. For example, some parents agree to adoption because they feel that their child is happy and well looked after.

They may be getting on well with your adoptive parents. They may also have comfort in knowing that you will remain with a family who will always love you and take care of you.

Take a moment: Do you need to express any feelings about your adoption? If yes, consider seeking professional counselling or linking with people who have a shared experience – see section 'I'd like more information' for contact options.

Information sharing in open adoption

Who can change the Adoption Plan?

Sometimes things can change and the Adoption Plan may no longer be best for you.

If this happens, it is best to get the help of a post-adoption service such as the Department's Adoption Information Unit. They can help everyone to agree on a new plan without going to Court. See section 'I'd like more information' on page 40.

If a new plan can't be agreed, your parents or carers may be able to apply for a review by the NSW Supreme Court.

Information sharing in an open adoption

If you are adopted, the Department will send you the booklet Adoption Act 2000: How it affects you. This booklet has information about:

- who can receive information about you
- what information you can get about your parents and siblings, if you have any.

There are different types of information you can get, depending on whether you are under or over 18 when you are asking for it. The booklet will provide detail, but here are the key facts.

What different types of information are there?

Non-identifying information: This is information that doesn't reveal who a person is. The law lets the parents of an adopted person get social and medical information about their child at any time, as long as it does not reveal who they are. The information can include their child's:

- physical and intellectual qualities
- education and job qualifications
- social and cultural background
- health and welfare
- family and other relationships
- religious beliefs
- hobbies and interests.

Identifying information: This is information that reveals who a person is. If you are adopted, identifying information about you may be provided to your parents at any time when you are over 18 years of age. Identifying information can include:

- name
- date of birth
- address at the time the adoption was arranged.

If you are under 18, your parents will need to apply to the Department if they want information that reveals who you are. No information will be provided against the wishes of you and your adoptive parents. Some documents that have identifying information about an adopted person are:

- new birth certificates
- birth record and adoption order – this document has the adopted person's before and after adoptive names, and the names of all of the people involved in the adoption.

Remember: In open adoptions, it is ideal if you can:

- meet regularly with your family
- share news and information freely.

You and your adoptive parents might be very happy for this to happen. However, the law protects your privacy if that is what you need.

What information can be obtained?

Parents of an adopted child may apply to the NSW Registry of Birth, Deaths & Marriages for their child's original birth certificate at any time. This certificate will be stamped 'not for official use'.

If you are adopted, your parents and siblings are allowed to get non-identifying information about you when you are under 18. They can also get identifying information about you once you turn 18. Your other relatives must get permission before they can gain any kind of information about you.

What information can I have about my brother or sister?

If you are adopted, you can apply for information about your siblings, including information that reveals who they are. If you are under 18, you will first need to get the permission of the Department or your adoptive parents.

If you are 18 or over, you don't need permission. You can apply directly for information from the Registry of Births, Deaths & Marriages, or from the Department, or from any other agency that might have the information you want.

What services are available after an adoption order?

Information and support can be provided to you, your parents and your adoptive family by the Department's Adoption Information Unit or the adoption agency. For contact details of other post-adoption services, see section 'I'd like more information' on page 40.

Reunion and Information Register (RIR)

People who have been separated by an adoption or lost contact with a family member and want to make contact or exchange messages with a family member can put their name on this register.

When there is a matching registration of two or more people on the register, an Adoption Information Unit (AIU) caseworker can help them to make contact with each other or pass on a message.

You can speak with an AIU caseworker to find out how to have your name entered on the Register.

Take a moment

There are a number of rules about getting information after adoption. Would you like to save a webpage where you can find this information when you need it? If yes, go to the Department page 'Finding information on past adoptions' (websearch: past adoptions nsw) and bookmark it or ask your caseworker to explain.

Chapter 6 – I'd like more information

Open adoption service providers

Communities and Justice

Open Adoption and Permanency Services

The NSW Government's open adoption service. Email: adoption.permanentcare@facs.nsw.gov

Websearch: adoption nsw

Communities and Justice Adoption Information Unit (AIU)

Provides services to people after an

open adoption happens, including adopted people and their families.

Email: adoption.information@facs.nsw.gov.au

Websearch: past adoptions nsw

Communities and Justice Open Adoption Hotline

Gives information to people in the community about how open adoption happens.

Online enquiry form: obtained on the Department website

Websearch: open adoption hotline

Barnardos Australia

A non-government agency that provides adoption services.

Email: info@barnardos.org.au Facebook: Barnardos Australia Websearch: open adoption barnardos

Anglicare

A non-government agency that provides adoption services.

Email: adoption@anglicare.org.au

Websearch: anglicare foster care adoption

Family Spirit

A non-government agency that provides adoption services

Facebook: Family Spirit NSW Email: adoptions@familyspirit.org Websearch: family spirit adoption

Life Without Barriers

A non-government agency that provides adoption services.

Email: info@lwb.org.au Facebook: lwb Websearch: lwb

Key Assets

A non-government agency that provides adoption services.

Email: info@keyassetsnsw.com.au

Websearch: key assets

Support organisations

Post Adoption Resource Centre (PARC)

Provides information, counselling and support to people affected by adoption. PARC also has a bookshop and library with information on open adoption.

Email: customercare@benevolent.org.au

Websearch: parc adoption

Create Foundation

Represents children and young people who have been in out-of-home-care. They can also connect these children and young people with one another.

Phone: 1800 655 105

Email: info@create.org.au Facebook: Create Foundation Websearch: Create Foundation

Kids Helpline

Free service that provides 24/7 phone and online counselling for young people aged 5 to 25.

Phone: 1800 55 1800

Websearch: Kids Helpline

eheadspace

A confidential online and telephone service for young people aged 12-25 years who want to get in touch with a youth mental health worker. See their website for email and online chat support.

Facebook: [headspaceAustralia](https://www.facebook.com/headspaceAustralia)

Websearch: eheadspace

NSW Advocate for Children and Young People

Works to improve the welfare of all children and young people in NSW and speaks up for them.

Email: acyp@acyp.nsw.gov.au

Facebook: www.facebook.com/acypNSW

Websearch: acyp nsw

Relationships Australia

Provides counselling and mediation services to support families, including online counselling and Aboriginal counselling.

Email: enquiries@ransw.org.au

Websearch: Relationships Australia NSW

Legal advice

Law Access NSW

A telephone-based legal information and referral service.

Phone: 1300 888 529

Websearch: law access

Community Legal Centres

Free legal services to people who need help with housing, fines, and family matters.

Email: clcnsw@clcnsw.org.au

Facebook: Community Legal Centres NSW

Websearch: clcnsw

Intellectual Disability Rights Service NSW

Provides help with legal problems, including support for people at police stations and Courts, and people at risk of losing care of their children.

Email: IntakeJAS@idrs.org.au

Websearch: idrs

Community Justice Centres

Provides free mediation services to help people solve disagreements, including family members and former partners.

Email: cjc_info@agd.nsw.gov.au

Websearch: community justice centres

Financial support services**Centrelink Service NSW**

Delivers a range of payments and services for people at times of major change. Contact Centrelink to enquire about what payments and services you may be entitled to.

Websearch: Centrelink

Support organisations: members with personal experience of adoption**Adoption and Permanent Care Association of NSW (APA)**

Offers support via Facebook for individuals and couples and wanting to be permanent carers and adoptive parents to children in NSW.

Facebook search: APA NSW

Chapter 7. Attachments to read with this booklet

- Integrated Birth Certificate factsheet: Information on the new birth certificates issued when an Adoption Order is made.
- Sample Consent and Revocation forms: Please do not fill out or sign these forms as they are samples only.

If you decide to consent or take back (revoke) your consent, you will be given the actual forms.

The sample forms in this section include:

Providing consent to your adoption

- Statement of a counsellor
- Statement of person qualified to witness a consent
- Sole Consent to adoption by a child who has attained the age of twelve years
- Statement of a person qualified to witness consent at the time consent is signed

Taking back (revoking) consent to your child's adoption

- Revocation Notice

If you have questions about the forms, you can talk with your caseworker or a lawyer and ask them to explain the details.

Factsheet: Introducing Integrated Birth Certificates for adopted people

The Adoption Legislation Amendment (Integrated Birth Certificates) Bill 2020 authorises the issuing of Integrated Birth Certificates to adopted persons in NSW by amending the Adoption Act 2000 and the Births, Deaths and Marriages Registration Act 1995.

What is an integrated birth certificate?

An Integrated Birth Certificate (IBC) is a new form of birth certificate that includes information about an adopted person's parents and siblings at birth, as well as their parents and siblings after adoption.

Why is this reform being introduced?

When an adoption order is made in NSW, the Registrar of Births, Deaths and Marriages (BDM) issues a post-adoptive birth certificate for the adopted person. The new birth certificate that is issued, records the child's adoptive parents and makes no reference to the child's parents at birth.

Post-adoptive birth certificates are consistent with the legal effect of adoption but do not reflect contemporary "open" adoption practices, which promotes connection to birth family and cultural heritage wherever possible. An IBC better reflects the full identity of an adopted person.

Will IBCs be recognised as a legal document?

An IBC and post-adoptive birth certificate are both valid identity documents, allowing an adopted person to use whichever birth certificate they prefer for legal purposes.

What would happen when the Bill commences?

Where a person is adopted and the adoption is registered in NSW, the Registrar of BDM will automatically issue both a post-adoptive birth certificate and an IBC.

People adopted prior to the commencement of the reform will be able to apply for an IBC.

How do people adopted before the commencement of the reform apply for an IBC?

If the person was adopted on or after 1 January 2010:

- The Registrar of BDM can issue an IBC to the adopted person on application. The consent of the person's adoptive parents will be required if they are under 18 years of age.

If the person was adopted before 1 January 2010:

- The Registrar of BDM will require an Adoption Information Certificate from the Department of Communities and Justice before issuing an IBC to the adopted person. If the person is under 18, the application can only be made with the consent of their adoptive parents and birth parents.

Adoptive parents and birth parents can also apply for an IBC in certain circumstances.

For more information visit:

Registry of Births, Deaths & Marriages

www.nsw.gov.au/births-deaths-marriages

Department of Communities and Justice

www.facs.nsw.gov.au/families/adoption