

# Mandatory Written Information on Adoption

Information for Parents



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## Attachments to be read with this document

The following documents form part of the Mandatory Written Information

1. Exploring Adoption : Other options
2. *Adoption Act 2000* (NSW) : How it affects you
3. Sample Instrument of Consent

## 1. Introduction

This package of information is called the 'Mandatory Written Information on Adoption' and is for all parents who are considering adoption for their child.

Both parents of a child have the same rights in relation to planning for their child's future. Adoption has consequences for all involved and it is important that you as a parent understand what adoption might mean for you and your child.

The legislation, the NSW Adoption Act 2000, requires that where a parent is considering adoption for their child, you, as the child's parent, must have the opportunity to read the information in the following pages and talk with an appropriately qualified person to ensure you fully understand what adoption in NSW means before you give consent.

Certain words are used in this booklet to explain the people involved in adoption arrangements:

- 'the child' – is the person (of any age) who is going to be adopted
- 'parents' – are the parents who gave birth to the child
- 'birth family' – any member of the child's original family
- 'adoptive parent(s)' – are the people who adopt the child
- 'adoptive family' – any member of the child's new family after adoption
- 'adopted person' – is a person who has been adopted
- 'parties to the adoption' – are the people involved in the adoption
  - the child who is being adopted
  - the parents who
    - have given consent to the child's adoption, or
    - have not given consent to the child's adoption but have agreed to the Adoption Plan, therefore they will be treated as a party to the adoption for the purposes of the Adoption Plan
  - the adoptive parents
  - the Secretary for Family and Community Services and/or the Principal Officer of an accredited adoption service provider
- 'FACS' – is the New South Wales (NSW) Department of Family and Community Services.

You may request support from an adoptions caseworker, to read through this booklet and have any questions answered.

## 2. What is Adoption?

The word **adopt** means 'to choose and accept as one's own'. Adoption is a legal process, where the legal rights and responsibilities for a child are transferred from the child's parents to the adoptive parent(s).

In New South Wales, adoptions are made legally binding by the Supreme Court.

Parents will always have a biological and emotional connection with their child, but after adoption, they stop being legally related to them. Although the legal relationship changes, it does not need to stop you from having a relationship or an ongoing connection with your child.

### **Following adoption the child will become a legal member of the adoptive family and:**

- they will be issued with a new (amended) birth certificate
- have the same rights and responsibilities as any other child in the adoptive family
- can take and legally use the adoptive family's last name
- will have an automatic right to inherit the property of the adoptive parents, just like any other children in the adoptive family
- their adoptive parents will be able to make all the parental decisions about the child's upbringing

An adoption order is an order that is permanent and lasts for all of the child's life.

### **3. Alternatives to Adoption**

See enclosed booklet-'*Exploring Adoption: Other options*'

## 4. What is 'Open' Adoption

Adoption is now very different to the 'closed' adoptions that took place from the 1950s until the mid 1980s, where the parents and child had no contact or information about each other. The parents and adoptive parents did not get to know each other and there was a general atmosphere of secrecy. The child was often not told they were adopted or given information about their family.

Openness refers to the way the child is supported to remain connected to their birth family and cultural heritage. This occurs with an open attitude as well as actions and is an integral part of adoption legislation and practice in NSW.

Adoption recognises there is often benefit for children when both their families (birth and adoptive) remain in contact with each other after an adoption placement has been made. An open attitude refers to the acceptance of your child having more than one set of parents and family, the willingness of birth and adoptive families to know about each other, exchange information and to build relationships through direct contact with each other, where possible. An open attitude promoted by the adoptive parents allows your child to feel comfortable to talk about you, other members in their birth family, their cultural heritage and their thoughts and feelings about being adopted, through their growing years.

Contact with your child and their adoptive parents may be by letter or email exchange, face-to-face meetings, Skype, telephone or any ways agreed by all. The form and frequency of contact is determined on an individual basis, with what is best for your child being the main focus.

Adoption services are committed to open adoption and make all efforts to ensure that adoptive parents have the same level of commitment. Adoptive parents are educated and assessed to ensure they have the capacity to support open adoption.

'Open' adoption can benefit a child by giving them a secure adoptive family and an ongoing relationship with you as their parent. Having contact with your child will not be the same as being their full time parent, with responsibility for parental decisions.

## **5. Emotional effects of adoption**

### **Short-term effects**

When you are thinking about the possibility of adoption for your baby or child, you are likely to experience a range of feelings, from being numb to very painful emotions. You may find it difficult to tell the important people in your life about your plans and you may react to your situation with fear, anger or denial.

If you have just had your baby, no matter what your feelings are about the pregnancy, you will have carried your child for 9 months. You may have begun to grieve during the pregnancy as you thought about making a decision to have your child adopted. As the birth approaches, you will have to cope with the emotions that bringing your child into the world creates. You may be finding it hard to imagine being separated from your child.

If your child has a health issue, developmental delay or disability, or there are legal or other challenges in your life that affect your ability to care for your child, you may need more time to explore your options while you are deciding whether you can meet your child's specific needs.

When a child is born, parents are generally surrounded by well-wishers wanting to celebrate the child's arrival. You, as a parent considering adoption for your child, may feel isolated and alone. You may experience unhelpful reactions from those around you or may keep the child a secret from family, friends or even the child's father. This secrecy may create a sense of isolation and make your emotions even harder to bear.

You may feel powerless, shocked and confused during the decision-making process. It is important to remember that you, as the parent, have choices and don't feel forced into making a decision by anyone else.

### **Long-term effects**

Although you may find ways of living with it you will always feel the loss of your child to some degree. Some parents have said that their physical and emotional health was affected and they needed to seek ongoing counselling and support.

Having ongoing contact through open adoption means that you will not have to wonder how your child is or what he or she looks like, but it will also mean that you are often reminded that someone else has the day-to-day care of and responsibility for your child. Your connection with your child as the parent who gave birth to them can never be taken away, and it can be difficult to find ways to come to understand the fact that your child now has two sets of parents.

Contact with your child may bring with it a mixture of happiness and sadness. Your relationship with your child may be easier at some times than others, causing you to wonder whether you can continue with the contact. Your relationship with your child's adoptive parents may be difficult and you may also have feelings of resentment toward them for having the care of your child.

Being a parent of a child that you are not raising is often difficult. People in your life may not know how to acknowledge your role as a non-custodial parent and you may feel hurt and disappointed by the way they handle this. Special occasions like Mother's Day or your child's birthday can be hard. You may find there are some people you won't want to tell about your child who was adopted and you might find it difficult to think of yourself as being a parent. Some parents feel and continue to feel shame and guilt in relation to their child's adoption. As your life goes on, you might find ways of being able to talk about your child and your feelings with people who are important to you.

Some parents have reported that the adoption of their child has led to relationship issues for them throughout their life. They have felt an impact on their self worth and self identity which has led to an inability to trust others and feeling anxious in relationships.

Some parents have positive feelings about the adoption of their child and gain a sense of fulfilment that they did their best to create the best outcome for their child. Despite the grief they experience at the loss of their child, they still feel they did the right thing for themselves and their child at that point in time.

### **Support Groups**

Other parents who are grieving have found it helpful to have professional counselling or to talk to other parents in similar situations. It is important to remember that there are supports available to you along the way – post adoption counselling, support groups and contact with other parents who have been through what you are now facing. See Chapter 15 Contacts for details of support groups.

## **6. A child's identity needs**

### **Children's experience of adoption**

For children unable to be raised in their families, adoption has been shown overall to provide a successful alternative. Studies have shown that adopted children appear in general to do as well as other children in the community.

Nonetheless, adopted children, like you as their parent, will experience life-long effects from the adoption. Over their lifetime, a child will come to understand that they were born in one family and are growing up in another. Families today come in many different forms. When strongly attached to a secure and nurturing adoptive family, an adopted child will be better able to deal with the extra issues that are associated with their adoption.

Adopted children need to have information about their birth family and hopefully will be able to have some form of ongoing contact with them as well. A child who is raised with openness and understanding will be less likely to struggle with feelings of grief or difference. An open adoption arrangement can assist a child to know who they are and why they were adopted. When children see their birth and adoptive families are accepting of each other, they are better supported to build relationships that will endure throughout their lifetime.

### **The child's wishes and consent**

If your child is under the age of 12, they will have the opportunity to express their views about being adopted in an age appropriate manner. Your child may see a psychologist or have discussions with a caseworker or other advocate. Your child's consent to adoption is not required but their views and needs must be given due consideration by the Court.

If your child is aged 12 years or more and capable of giving consent, and has lived with their prospective adoptive parents for at least 2 years, the child's consent to adoption is the only consent needed. They must:

- meet with a Registered (adoption) Counsellor and discuss adoption, before your child can give consent.
- have their capacity to give consent evaluated by a Registered (adoption) Counsellor or other appropriate expert. If your child is not capable of giving consent, the Supreme Court may decide to dispense with their consent.

Your child is able to withdraw (revoke) their consent at any time before the adoption order is made.

### **Identity - your child's name at birth**

An important part of your child's identity is their name. As a parent you must register the birth of your child. You may choose a first, middle and last name for your child. This is your child's full legal name until it is changed by a later re-registration or at the time of making an adoption order.

If you do not choose a first name for your child, you will need to register your baby as 'unnamed male' or 'unnamed female', which may be distressing for your child should they access their original birth certificate.

Adoption services discuss with prospective adoptive parents the advantages of a child retaining his or her first name. If the prospective adoptive parents wish to add an extra middle name at the time of the adoption this will be discussed with you and your opinion about their request will be provided to the Court. Infants under 12 months old may be given a new first and middle name following adoption. His or her last name will be that of the adoptive parents. If you want the adoptive parents to keep the first name you chose for your child, this will need to be part of your discussions when you make your requests about placement.

A non-citizen child, or a child over 12 months of age will keep their names unless the Court is satisfied that the name change is in the best interests of the child.

The Court will not change the name of your child if they are over the age of 12 years unless your child has consented to the change. Sometimes an older child may wish to continue using their original last name.

### **Identity - your family history**

Adopted children like to know about their parents' lives, what kind of family their parents grew up in, education, employment, hobbies and interests. Interests, abilities and personality traits can be inherited. Other family characteristics are also interesting to children, like family cultural or religious practices.

Your caseworker will ask you to give information about yourself and your family and to give permission for this information to be passed on to your child and the adoptive family at the time of placement. The adoptive parents can then tell your child about their family history as they grow up. The information you and your family provide is also put on your child's adoption file, for your child to access in the future.

Members of your family can help by providing information. Sharing family history is something really important that you and your family can do for your child. It provides a starting point from which a connection with you and your family can develop and helps your child in developing their own identity.

### **Identity - medical information**

You will be asked to give medical information about yourself and your family and to give permission for this information to be passed on to your child and their adoptive parents. This might include family health conditions that could be inherited, and anything that may have affected your child's health during pregnancy and birth. The medical information you give is used to help identify your child's present and future medical and developmental needs.

## **Identity - cultural heritage**

It is important that adoptive families help children learn about their parents' cultural and religious heritage. Adoptive parents can be assisted to do this by having information from parents or other family members about the family's history and culture.

Your family background, interests, rituals, religious and cultural practices are the things that make you unique. Your child will be interested to learn more about you and your family as he or she grows older and the information that you give will help them learn more about you.

## **My identity - what will my child and the adoptive parents know about me?**

Your child's adoptive parents will be given a copy of the adoption order which has your name on it and can apply for a copy of the child's original birth certificate at any time after the adoption.

All the above information will be passed on to the adoptive parents, so that they can share this with your child as he or she grows older. If there is specific information you do not want passed on you should discuss with the caseworker whether it is information which can remain confidential. The Adoption Regulation 2015 allows non-identifying information about your health, including medical reports, to be provided to your child or their adoptive parents after adoption.

## **7. The legal process of Adoption**

### **Who arranges adoptions in NSW?**

If a child in NSW is to be adopted by a family to whom they are not related, this must be arranged by FACS' Adoption Services or an Accredited Adoption Service Provider. The Accredited Adoption Service Providers in NSW are:

- Sydney Anglican Home Mission Society Council – Anglicare Adoption Services
- Australian Families for Children Inc (AFC)
- Barnardos Australia - Find-a-Family
- CatholicCare Adoption Services

*See Chapter 15: Contacts of this booklet for details of these adoption service providers.*

### **Can I make my own private arrangements?**

There are many risks for you and your child if you make 'private' or 'informal' arrangements for someone else to look after your child. Placing your child with anyone other than a family member, authorised (foster) carer or approved prospective adoptive parent can have very unhappy results for everyone involved because:

- it is unlikely that people proposing to take a child on a 'private' basis have been trained or assessed as suitable to meet the needs of an unrelated child;
- private adoption arrangements were discontinued in NSW in 1967 following concerns about pressure being placed on some parents to give the care of their child to another person;
- this type of arrangement leaves you and your child without legal protection if you later want to have a say in your child's life; and
- agreements made concerning contact with your child may not be kept, causing great distress to both you and your child.

### **Who do I talk to about adoption?**

It is important to talk with an adoptions caseworker from FACS or an Accredited Adoption Service Provider as soon as you begin to think about adoption, so that you can get all the relevant information to assist you with making decisions about the future for you and your child. It might be that you start thinking about adoption during the pregnancy or at a later time. You might try to care for your child but have difficulties that lead you to seek help, which might include asking for your child to be placed with adoptive parents.

### **What happens whilst I am thinking about adoption for my child?**

While you are thinking about adoption, you can ask for your baby or child to be looked after. This means your child will be placed in voluntary temporary care with an authorised (foster) carer. This can give you time to sort out accommodation, financial and other supports and thoroughly investigate all the alternatives to adoption.

## **What is voluntary temporary care?**

Voluntary temporary care is a short-term placement for a child with trained, assessed and authorised (foster) carers.

While your child is in voluntary temporary care, you remain the legal parent and have parental responsibility for your child. Your child must be returned to your care at your request (unless there are significant child protection concerns). Temporary care is arranged for a short period, so that the separation will have as little effect as possible on your child's relationship with you.

Experienced and authorised (foster) carers provide temporary care in their own home. You can ask your caseworker to arrange contact visits for you. These visits usually take place at the carers' home, Adoption Service Provider's office, or other place you all agree on. Having your child placed safely in a caring family situation gives you time to 'test out' how you feel about being separated from your child.

FACS provides financial support to the carers of children in voluntary temporary care. You might be asked to pay your child's medical bills if Medicare does not cover them.

If parental responsibility of your child is already the subject of Children's Court, Family Court or other Court proceedings or orders, you may not be able to choose voluntary temporary care.

## **Parents' rights and responsibilities**

The law in NSW gives certain rights to both the mother and the father of a child. As a parent, you may name your child, care for your child and make long term decisions about your child.

These rights can be changed by agreement between you as parents or by Court orders. The Courts dealing with children's matters in NSW are generally the Family Court of Australia, the NSW Children's Court, or the NSW Supreme Court.

## **Fathers' rights**

If you are a father and your name is not on your child's birth certificate, you still have rights and must be given an opportunity to give consent to the adoption. There is protection for your legal rights as a father in any adoption arrangement.

You must be given information about your child and the proposed adoption. You must have the opportunity to be notified of, and have the chance to support or oppose an adoption proceeding.

If you want to be involved in the adoption process, the adoption caseworker will talk with you. If you do not want to be involved, or clearly state that you are not the child's father, then adoption arrangements and placement may proceed without your further involvement.

If you want to care for your child, anyone with Parental Responsibility for the child will be requested to participate in deciding what is in your child's best interests. If there are any child protection concerns, these will be taken into account.

### **What if a mother doesn't want to identify a father?**

As a mother, you may be reluctant to disclose information about the father of your child for a number of reasons. You may be unsure about who the father of your baby is, and may have difficulty talking about this. If you have been sexually abused or assaulted, you may also have difficulty talking about your experience. You may decide that you don't want to identify the father because you have had an extremely difficult or violent relationship with him. In these circumstances, you may want to ignore the father and the issue of his role with the child.

If information is not provided about the father, this may delay or jeopardise the adoption process and leave your child in legal limbo. If the father belatedly learns of your baby's birth and that adoption is being planned for the child, he may decide to make an application to a court for parental responsibility. The court could order the adoptive family to release your child to the father, which could be extremely distressing for everyone involved, especially your child.

A lack of information about the father also means that your child will not have access to information about him or his family. As an adopted child gets older, they will ask questions about their father and social and medical information about both parents often becomes important to them.

If you do not wish to have contact with the father, the adoption caseworker can work with you both separately, helping you to work through issues as they arise.

### **What if my child is Aboriginal or Torres Strait Islander?**

It is acknowledged that adoption is not generally accepted within Aboriginal culture and is arranged in a different way in Torres Strait Islander communities.

If you are the parent of an Aboriginal child, we encourage you to consider alternatives to adoption for your child, such as placement with relatives or within the child's kinship group. Written information about the impact of adoption in Aboriginal families is available.

The Adoption Act 2000 Aboriginal and Torres Strait Islander child placement principles are intended to ensure that children are placed with adoptive parents from within either of their parents' communities or with a family from another appropriate community. These placement principles are intended to prevent Aboriginal and Torres Strait Islander children from losing their family and cultural ties. If you decide to proceed with adoption, your child should be placed in a family who will be sensitive to, and support your child to maintain connections with their cultural background.

The Supreme Court must be satisfied that the making of an adoption order for an Aboriginal child is clearly preferable to any other action that could be taken by law in relation to the child.

If your child is Aboriginal or Torres Strait Islander, your caseworker will ask you to meet with an approved Aboriginal person or Torres Strait Islander person so that you can receive advice and assistance regarding the care options for your child. Alternatively, you are able to nominate a person in the Aboriginal or Torres Strait Islander community

who is recognised as being aware of the issues in adoption or substitute care of children. A local, community based and relevant Aboriginal or Torres Strait Islander organisation will also be consulted in relation to the placement of your child.

If the adoptive family proposed for your child does not share your child's cultural background, the proposed adoption placement will need to be approved by an order of the Supreme Court.

For more information please refer to:

- Written Information on Adoption: Additional Information for Parents of an Aboriginal Child in Out-of-Home Care
- Written Information on Adoption: Additional Information for Parents of a Torres Strait Islander Child in Out-of-Home Care

## **8. Giving consent to Adoption**

### **Who has to agree to adoption?**

Depending on how old your child is, there are different people who must agree to adoption. Agreeing to adoption is called giving consent.

- If your child is under 12 years, both parents' and anyone who has parental responsibility for your child (through a Family or Children's Court order) is required to give consent to adoption. The court must consider your child's wishes when deciding whether adoption is right for them.
- If your child is 12 years or more, capable of giving consent, and has lived with their carers for at least 2 years, the child's consent to adoption is the only consent needed.
- If your child is 12 years or more and not capable of giving consent, then both parents' consent to adoption is required. Any person who has parental responsibility for your child also needs to give consent to adoption.

### **Do both parents have to give consent?**

Yes. Adoption law states that every parent and anyone holding parental responsibility for a child must consent to the child's adoption.

However, there are provisions in the Adoption Act 2000 which allow the Supreme Court to make a 'consent dispense order', if it is satisfied that it is in the best interests of the child to do so. This means that an adoption order can be made without your consent.

The court may decide to dispense with a parent's consent in any of the following situations (where the court is satisfied that it is in the best interests of the child):

- the mother or father cannot be found, or identified
- the mother or father are unable to give consent due to their physical or mental condition
- there are 'serious concerns for the welfare of the child'
- the child is in foster care and has a stable relationship with their carers and the adoption of the child by those carers will promote the child's welfare.

All reasonable efforts are made to give the parent notice of the legal proceedings. The parent is able to seek legal advice and representation so that they can put their views before the Supreme Court.

### **What do I need to do to give consent to my child's adoption?**

You must wait at least 30 days after your child is born before you can give your consent to adoption. This allows you time to consider the alternatives available to you.

If you make the decision to give consent to your child's adoption the following needs to occur:

- You must receive a copy of this 'Mandatory Written Information on Adoption' booklet at least 14 days before giving consent.
- You will need to see a registered (adoption) counsellor. They will make sure that you have been given this 'Mandatory Written Information on Adoption' booklet and must make sure that you understand the legal effect of adoption and both the short and long term emotional effects of adoption on you and your child.
- You can give consent 72 hours after receiving registered counselling but no more than 30 days after.
- Consent is given when you sign an adoption consent document which is called an 'Instrument of Consent'. There is a sample of the Instrument of Consent towards the back of this booklet.
- A suitably qualified person, who is separate and independent of the registered counsellor and not the caseworker for your child's prospective adoptive parents, must witness your consent.
- You will be given a copy of the Instrument of Consent you completed and signed and a written notice informing you of the date on which the 30 day revocation period ends. During these 30 days you may revoke (withdraw) your consent at any time.
- You will also receive a written reminder no less than 7 days prior to the end of the revocation period.

If your child is Aboriginal or Torres Strait Islander you will also be asked to speak with a suitably qualified Aboriginal or Torres Strait Islander worker about how adoption is seen within these cultures, and the other options (alternatives) to adoption. If you do not want to speak with an Aboriginal or Torres Strait Islander worker, you will be given the 'Written Information on Adoption: Additional Information for Parents of an Aboriginal / Torres Strait Islander Child'. You will then be asked to sign a document that confirms you did not speak with an Aboriginal or Torres Strait Islander worker but have read and understood the written information given to you.

In giving consent to adoption, you are giving the responsibility for making decisions about your child to the Secretary of FACS or his/her delegate. While you will be involved in the planning, the ultimate authority to decide what is in the child's best interest will rest with the Secretary until the adoption order is made and these responsibilities are transferred to the adoptive parents.

If your child was under the parental responsibility of the Minister prior to you giving consent to their adoption, the responsibility for making decisions still stays with the Minister.

### **What if I am under the age of 18 years?**

There is no 'minimum age' for a parent to give consent, but if you are under the age of 18 years, you must receive independent legal advice concerning the effect of adoption, before giving consent. See Chapter 15 Contacts for legal services.

Your parents (the child's grandparents) do not need to give consent to the adoption, however it is important that you discuss your decision with them, if this is possible.

In addition to receiving legal advice, if you are under the age of 18 years, the Registered (Adoption) Counsellor needs to certify that you understand the legal and emotional effects of signing the adoption consent document.

### **Who is responsible for my child until an adoption order is made?**

Your child will be under the legal responsibility of one of the following:

#### ***The Secretary***

When you and your child's other parent and anyone who holds parental responsibility have given consent to adoption and the consents have not been revoked, or the consents have been dispensed with by the Supreme Court, the Secretary of FACS has parental responsibility for your child. FACS or the Accredited Adoption Service Provider is delegated to make all decisions and arrange care for your child until an adoption order is made.

If only one parent's consent to adoption is held, and the other parent applies for care of the child, the Secretary may make the decision about where the child should be placed, whether with one of the parents or with another suitable person. You will be informed and consulted before decisions are made. Parental responsibility for the child remains with you (both parents) until you both give consent.

#### ***The Principal Officer of an Accredited Adoption Service Provider***

When parents make adoption arrangements with an Accredited Adoption Service Provider, parental responsibility for the child rests with the Secretary of FACS. The Accredited Adoption Service Provider is delegated to make all decisions and arrange care for your child until an adoption order is made.

### **How do I revoke (withdraw) my consent?**

There is a period of 30 days, commencing on the day after you give consent to your child's adoption, during which you have an absolute right to revoke (or take back) your consent to adoption.

You will receive a 'revocation notice' at the time of signing consent. You will also receive a written reminder no less than 7 days prior to the end of the revocation period. If you change your mind and want to revoke your consent, you must inform the Supreme Court by filling out the revocation notice. The address of the Supreme Court is.

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

You are able to take the revocation notice to the Supreme Court yourself, send it by ordinary mail or by courier. The revocation notice, which must be in writing, must reach the Supreme Court by 5pm no later than the 30th day, after signing the consent documents. If the end of the revocation period falls on a weekend or public holiday, then the 30th day is taken to be the next business day.

Do not worry if you have lost or misplaced the revocation notice. You are able to write a letter stating clearly, 'I wish to revoke my consent to the adoption of my child' with the following details:

- the name of your child
- your child's date and place of birth
- your name, address, phone number
- the date you gave consent to adoption
- the Adoption Service Provider you are in contact with
- sign and date your letter before sending it to the court.

If you are worried about how to revoke your consent, you can ask for help from your caseworker, the Accredited Adoption Service Provider, your local FACS' office, a Legal Aid office or the adoption clerk at the Supreme Court.

### **What is my child's legal status if I revoke my consent?**

If you had parental responsibility for your child before you gave consent, you resume full legal parental responsibility for your child from the date your revocation notice is received at the Supreme Court, and confirmed with FACS or the Accredited Adoption Service Provider. This means that you must make immediate arrangements to resume the full care of your child. Your caseworker will help you plan for your child's return to your care.

## **9. Assessment and Selection of Adoptive Parents**

### **How are adoptive parents assessed and trained?**

Prospective adoptive parents undergo a careful selection process. Adoptive parents might be married or defacto couples or single persons; they may be a heterosexual or same-sex couple; they may be childless or have one or more children. They come from a wide range of social, educational, cultural, religious and occupational backgrounds.

Adoptive parents undergo careful medical screening, police and child safety checks and provide personal references. Before deciding on approval, FACS Adoption Services or an Accredited Adoption Service Provider carries out a comprehensive assessment and must be satisfied that prospective adoptive parents have the ability to meet the physical, social and emotional needs of an adopted child and raise him or her in a loving family environment.

## **10. Rights and responsibilities**

### **When does placement take place?**

Placement cannot occur until both parents have given consent or their consent has been dispensed with by the Supreme Court, the 30-day revocation period has expired for both parents and when the placement has been approved by FACS Adoption Services or the Accredited Adoption Service Provider.

### **May I make requests about the adoptive parents for my child?**

If you decide to proceed with adoption you will be asked if you want to be involved in the selection of the adoptive parents. Your caseworker will talk with you about the kind of family you would like your child to grow up in. You are able to make requests about a range of issues such as the religion, culture and your child's name.

### **How much will I know about the adoptive family?**

You will have the opportunity to look at profiles prepared by approved adoptive applicants. This non-identifying profile tells you about the adoptive applicants' ages, family composition, educational level, occupation, cultural background, religion, interests, hobbies and attitude to post adoption contact.

Looking at adoptive applicant profiles (which usually include photos) helps you to think about your response to and future relationship with the family and the kind of opportunities and values your child would receive.

If you find that you don't like any of the families being suggested, discuss this with your caseworker. Ask if you can consider different families. If FACS Adoption Services or the Accredited Adoption Service Provider does not have a suitable family, specific recruitment may be necessary.

If you decide not to be involved in the selection of adoptive parents you are still entitled to non-identifying information about your child's adoptive family.

### **What if my child has 'specific needs' and I want to consider adoption?**

Children with 'specific needs' may have medical problems, a disability or developmental delay. They may be older or they may have emotional or behavioural problems. These problems may mean it is too difficult for you to care for them. This is a very difficult and painful decision for any parent to make. Children who are being adopted at an older age particularly need careful preparation, and assistance with this is available.

Adoption services are experienced in finding family placements for children with specific needs. Publicity such as newspaper, TV or radio is sometimes used to find families for children with specific needs and done in a way that protects your child's privacy. You will be consulted with and asked to give your permission before any publicity is used for your child.

Recruitment of a family for a child with specific needs can take many months. If a family cannot be identified, your caseworker will discuss the alternatives with you.

### **Post-placement period**

After placement, your child's progress will be monitored for at least six months to ensure that he or she is progressing well with the adoptive family and that agreed upon contact between yourself and the adoptive family is working well. If problems arise in the post-placement period you will be advised, unless you have said you do not want to know this.

### **The adoption application**

When your child's placement and Adoption Plan are proceeding well, the legal documents required for the adoption application are prepared.

For very young children, the adoption application is usually lodged at the Supreme Court 6 to 9 months after placement. If the child is older, has specific needs or if there are outstanding legal issues, the time frame may be extended.

If all the required consents to adoption are held, adoption applications are lodged with the Supreme Court and the adoption order is made by the Judge without the need for anyone to attend.

## **11. The Adoption Plan**

### **What is an Adoption Plan?**

An Adoption Plan is a written agreement about what things will be like after adoption and outlines some or all of the following areas:

- the name your child is to be known by should an adoption order be made
- how your child is going to learn about who they are and where they came from – things like their culture and religion
- the contact your child will have with you and any other important family members like sisters, brothers, grandparents, aunts or uncles. The Adoption Plan will say when you will meet, where, how often and who will be there
- what kinds of information you will receive about your child – things like important life events
- financial and any other support needed to make sure the Adoption Plan could be carried out.

When your child has been placed with prospective adoptive parents, the contact arrangements set out in the draft Adoption Plan are likely to commence prior to the adoption being finalised at court. This will give everyone involved the chance to see if the agreed arrangements will be workable and allow for changes to be made prior to the adoption hearing.

### **Who is involved in an Adoption Plan?**

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

- child (for whom adoption is being proposed)
- parent(s) who have given consent to the child's adoption
- adoptive parent(s)
- Secretary of the Department of Family & Community Services (FACS)
- Principal Officer of an Accredited Adoption Service Provider

A parent who has not given consent to the child's adoption can also be involved and agree to the Adoption Plan. If the parent signs the Adoption Plan this will help demonstrate their agreement to the plan.

### **How is an Adoption Plan reviewed?**

If an adoption occurs, and things change and contact arrangements are no longer meeting the needs of the child, you or any people involved in the Adoption Plan can seek the support of a post adoption service. See section 15 'Contacts'.

It is important that you, your child and your child's adoptive parents try to talk about the things that are not working so that you can all try to reach an agreement that best suits everyone's needs. If an agreement about changes cannot be made, any of the people involved in the Adoption Plan are able to apply to the Supreme Court for the plan to be reviewed. If the Adoption Plan is registered at the time of the adoption order then a non-consenting parent who has not agreed to the Adoption Plan may still be able to enforce the Adoption Plan.

## Registering an Adoption Plan

Adoption Plans can be registered by the Supreme Court if those involved, who have agreed to the Adoption Plan, request this. If the Adoption Plan is registered it becomes part of the adoption order, meaning it is a legal order and everyone needs to comply with the arrangements agreed to in the Adoption Plan.

Should an adoption order be made, a registered Adoption Plan that you have signed gives you more certainty to ensure contact and information exchange continues through your child's growing years.

## How will I be involved in developing an Adoption Plan?

Even where you are not able or willing to give consent to your child's adoption, you are encouraged to, participate in the development of, and agree to the Adoption Plan.

It is important to understand that agreeing to an Adoption Plan means you agree to the arrangements in the plan about staying in touch after an adoption.

Agreeing to the arrangements in the Adoption Plan **does not** mean you agree to or give consent to the adoption of your child.

## Options for Contact

There are a number of options for contact between birth and adoptive families and it is important that everyone feels comfortable with the type and frequency of contact. Some options are:

**Letters/emails:** At the time of the adoption you are able to write a letter to your child sharing your thoughts and feelings and explaining your reasons for deciding on adoption. This letter is passed on to the adoptive parents to share with the child, so that he or she will grow up knowing from you (in your own words) why you decided on adoption and a little of what you are like. This can be very important to a child and can help the adoptive parents talk about you in an informed and caring way. You can also agree to exchange ongoing correspondence with your child and their adoptive family.

**Photographs:** You are able to pass on photographs/videos/DVDs of yourself and your family and ask to receive the same of your child which are usually included in the correspondence exchange.

**Meetings:** Meetings between you, your child and the adoptive parents can be arranged. A first meeting might occur around the time of the placement and would usually be held at a neutral location, with the caseworker present. You are able to request ongoing meetings that would be facilitated directly between you and the adoptive parents. A caseworker can be present in those rare situations where it is determined to be necessary.

**Phone calls:** Families can exchange telephone numbers if everyone finds it easier to contact each other directly. This can be helpful when organising meetings.

**Other:** You might like to arrange to use other means of contact such as Skype, Facetime etc.

### **Financial and other supports**

The Adoption Plan may include details of the provision of financial assistance in an adoption. This support is usually given in the form of an 'Adoption Allowance' to assist an adoptive family who is adopting a child with special needs. Adoption allowances are reviewed every 12 months.

### **Casework supports**

Adoption services can arrange post adoption support for all parties affected by adoption, either directly or by appropriate referral. This includes caseworker support for the exchange of information, letters, photographs and arranging of meeting times and venues until independent contact can be achieved. Caseworkers may also help you and the adoptive family to renegotiate contact arrangements if difficulties arise, and to locate appropriate counselling or support services.

## **12. The legal effects of adoption**

Adoption is the legal process which permanently transfers all the legal rights and responsibilities of being a parent from the child's parents to the adoptive parent(s). The child becomes regarded in law as the child of the adoptive parents. In New South Wales, adoptions are made legally binding by the Supreme Court.

When the adoption application is made, the court looks carefully at:

- the best interests of the child, both in childhood and later life
- the parents' views, whether or not they have given consent to their child's adoption, or evidence about why the parents' consent is not required
- the suitability of the adoptive family
- the arrangements for the Adoption Plan
- the alternatives to adoption, and whether adoption is clearly preferable to any other order that can be made

If the Court is satisfied with the above, they may proceed to make an adoption order. Once an order has been made, the adoptive parents will, from that time on, be the child's legal parents.

### **Advice of the adoption order**

When an adoption order is made, each of the parties is notified and provided with a copy of the Adoption Plan. The adoptive parents will also receive a copy of the adoption order. Birth parents can apply for a copy of the adoption order. For more detail, see booklet, 'Adoption Act 2000 How it Affects You: Post Adoption for Adoptions made after 1 January 2010'.

### **Your child's birth certificate**

When an adoption order has been made, the court instructs the NSW Registry of Births, Deaths and Marriages (the Registry) to issue your child a new (amended) birth certificate. This new birth certificate names the adoptive parents as your child's parents, as if your child was born to them. Your child's original birth certificate is kept at the Registry for future reference.

### **Who can access you child's amended birth certificate?**

Once an adoption order is made, you are able to apply for your child's amended birth certificate which will provide identifying information about the adoptive family. While your child is under 18 years, you must first obtain an 'Adoption Information Certificate' from FACS' Adoption Information Unit. FACS can only refuse supply of this information if it would pose a risk to the safety, welfare or well being of your child or their adoptive parents.

Your child and their adoptive parents are able to obtain a copy of your child's amended birth certificate at any time after the adoption.

### **Who can access your child's original birth certificate?**

Your child should be provided by FACS or the adoption service provider who managed their adoption with a copy of their original birth certificate around the time of an adoption order. Your child and their adoptive parents are also able to obtain a copy of your child's original birth certificate at any time after the adoption, however, it will be marked 'not for official purposes'. Where your child is under 18 years they require the approval of their adoptive parents or the Minister for FACS.

You, as the parent can apply to the Registry at any time for a copy of your child's original birth certificate. Post adoption, the certificate you receive will be marked 'not for official purposes'.

### **Inheritance**

Following the making of an adoption order, your child has an automatic right to inherit from their adoptive parents (subject to any Will). Your child loses the automatic right of inheritance from you and members of your family, unless he or she is specifically named as a beneficiary of a Will (made before or after the adoption order). Once the adoption order has been made, you and your family members would have to alter your Wills to ensure your child's entitlement to inherit from you all.

### **Is adoption permanent?**

Yes. Once your adoption consent has been given, and the 30 days revocation period has passed, you cannot change your mind about the adoption. For this reason, it is essential that if you are considering adoption for your child, you have had the opportunity of exploring the alternatives to adoption.

### **Discharge (cancelling) of adoption orders**

An adoption order is a very final order and is rarely changed. The only grounds for a formal application to the Supreme Court for discharge of an adoption order are if:

- there is evidence the adoption order or the consent was obtained by fraud, duress, or improper means, or
- there are exceptional reasons why the order should be discharged.

## 13. Post Adoption

### **What services are available after an adoption order?**

After an adoption order, ongoing support can be provided to you, your child and their adoptive family by Family & Community Services' Adoption Information Unit or your Accredited Adoption Service Provider.

For information and contact details of other post adoption services see section 15 Contact List of Support Services.

### **What identifying information will my child and the adoptive parents know about me?**

Identifying information refers to things like your surname and your address.

Adoption service providers observe the provisions of the below NSW legislation about how information is managed:

- *Adoption Act 2000*
- *Adoption Regulation 2015*
- *Children and Young Persons (Care and Protection) Act 1998*
- *Privacy and Personal Information Protection Act 1998.*

After an adoption order is made your child's adoptive parents will be given a copy of the adoption order and the child's original birth certificate which has your name and may have your address at the time of the child's birth.

If you have any concerns about what information about you will be passed on you should ask for:

- an explanation about why information is needed
- how the information you provide will be used, stored and passed on
- how you may have access to amend or update the information.

More information about this and your rights to information can be found in the booklet, *Adoption Act 2000 How it Affects You: Post Adoption for Adoptions made after 1 January 2010.*

## **14. Conclusion**

It is hoped that this booklet has answered the questions that you have about adoption and its possible impact on you and your child.

Everyone's situation and support needs are unique and there are a range of services to ensure that you are given clear information and useful support before you make this very important decision.

If you are unsure about any of the information given here, you are encouraged to approach any of the services listed in the last chapter of this information called 'Contacts' to discuss your situation in detail.

## 15. Contacts

### Adoption Service Providers

- **Family & Community Services - Adoption Services**

FACS Adoption Services provide a state-wide adoption service, working with FACS local offices in NSW metropolitan and country centres, including services for local, special needs, intercountry and intrafamily and out-of-home care adoptions.

Street address: 4–6 Cavill Avenue, Ashfield NSW 2131  
Postal address: Locked Bag 4028, Ashfield NSW 2131  
Phone: (02) 9716 3003  
Fax: (02) 9716 3001  
Email: [Adoption.PermanentCare@facs.nsw.gov.au](mailto:Adoption.PermanentCare@facs.nsw.gov.au)  
Website: [Family and Community Services](#)

- **Family & Community Services - Adoption Information Unit**

FACS Adoption Information Unit provides post adoption services for all parties to an adoption that occurred in NSW

Street address: 4–6 Cavill Avenue, Ashfield NSW 2131  
Postal address: Locked Bag 4028, Ashfield NSW 2131  
Phone: 1300 799 023 (rural NSW and ACT)  
Fax: (02) 9716 3400  
Email: [adoption.information@facs.nsw.gov.au](mailto:adoption.information@facs.nsw.gov.au)  
Website: [Adoption Information Unit](#)

- **Sydney Anglican Home Mission Society Council**

Anglicare Adoption Services

Anglicare provides adoption services to: parents considering adoption for their baby or young child; to children with specific needs who need adoption or permanent care, to prospective adoptive parents, and post adoption services for families whose adoptions they have arranged. Parents and adoptive parents must live within a 200km radius of Sydney.

Street address: 19A Gibbons Street, Telopea NSW 2117  
Phone: (02) 9890 6855  
Fax: (02) 9890 3700  
Email: [adoption@anglicare.org.au](mailto:adoption@anglicare.org.au)  
Website: [Anglicare](#)

## **Anglicare Foster Care Program**

Where appropriate, Anglicare facilitates the adoption of children who are in permanent foster care placements. There will be occasions where dual authorisation of carers to be approved foster carers and adoptive parents will occur, and children with adoption in their case plan will be placed with these dually authorised carers. Anglicare Sydney's Foster Care program operates in the Sydney metropolitan area.

Street address: 19A Gibbons Street, Telopea NSW 2117  
Phone: (02) 9890 6800  
Fax: (02) 9890 3700  
Email: [teloopa1@anglicare.org.au](mailto:teloopa1@anglicare.org.au)

- **Australian Families for Children (AFC)**

Australian Families for Children Inc. (AFC) is a not-for-profit incorporated association founded in 1980. The organisation was accredited to facilitate domestic adoptions and intercountry adoptions, in 2015. AFC is committed to helping children who are unable to live with their birth family, to find a permanent home with an approved, suitable adoptive family. AFC provides adoption services to parents considering adoption for their child(ren) in need of an adoption placement and prospective adoptive parents. AFC also provides post adoption services to all parties in an adoption.

Street Address: Level 2, Suite 2A, 79 Oxford Street, Bondi Junction, NSW 2022  
Postal Address: PO Box 7420, Bondi Beach NSW 2026  
Phone: (02) 9389 1889  
Fax: (02) 9369 5969  
E Mail: [info@australiansadopt.org](mailto:info@australiansadopt.org)  
Website: [Australian Families for Children](http://www.australiansadopt.org)

- **Barnardos Australia - Find-a-Family**

Barnardos specialises in the adoption or permanent placement of children under the Parental Responsibility of the Minister from 0–12 years, including sibling groups. If required, Barnardos may provide some post adoption support or be able to assist families to seek other appropriate services. Barnardos provides services in the Sydney Metropolitan, Hunter / Central Coast and Illawarra areas.

Street address: Level 1, 2–4 Holden Street, Ashfield NSW 2131  
Postal address: PO Box 455, Ashfield NSW 2131  
Phone: (02) 8596 5000  
Fax: (02) 9797 0108  
Website: [Barnardos Australia](http://www.barnardos.org.au)

- **CatholicCare Adoption Services**

CatholicCare provides adoption services to parents considering adoption, to babies and children needing adoption or a permanent care placement, and to prospective adoptive parents. CatholicCare facilitates out-of-home care adoptions for children and their carers. CatholicCare provides a state-wide service conducted from Sydney utilising a network of counsellors who are closely supervised by experienced adoption workers.

Address: Level 2, 8 Jacobs Street, Bankstown NSW 2200  
Postal address: PO Box 3127, Bankstown Central NSW 2200  
Phone: (02) 8700 3333  
Fax: (02) 8700 3390  
Email: [adoptions@catholiccare.org](mailto:adoptions@catholiccare.org)  
Website: [CatholicCare](http://CatholicCare)

### **Funded Support Organisations**

- **Post Adoption Resource Centre (PARC)**

PARC provides information, counselling and support to people affected by adoption. PARC also has a bookshop and library on this site with a range of information on adoption.

Street address: Level 5, 7–11 The Avenue, Hurstville NSW 2220  
Phone: (02) 9504 6788 or 1300 659 814  
Email: [parc@benevolent.org.au](mailto:parc@benevolent.org.au)  
Website: [Post Adoption Resource Centre](http://Post Adoption Resource Centre)

- **Relationships Australia**

Relationships Australia provide counselling services for families experiencing problems with marital relationships, separation and divorce, and parenting children in blended families.

NSW Head Office: Suite 102, 68 Waterloo Road  
MACQUARIE PARK NSW 2113  
Phone: (02) 8874 8000 or 1300 364 277  
Fax: (02) 9887 2809  
Website: [Relationships Australia](http://Relationships Australia)

## Legal advice

- **The Law Society of NSW, Community Assistance Department: Solicitor Referral Service**

This service can refer callers to private law firms practising in a particular area of law in a location convenient to the caller, as well as to firms with solicitors or staff who speak community languages. The service also refers callers to a wide range of government and non-government agencies that can provide free information or help.

Street address: 170 Phillip Street, Sydney NSW 2000

Phone: (02) 9926 0333

Website: [The Law Society of NSW](#)

- **Law Access**

Law Access is a telephone based legal information and referral service.

Phone: 1300 888 529

Website: [LawAccess NSW](#)

- **Legal Aid NSW**

The Legal Aid Commission provides a free legal advice service at all Legal Aid offices. Legal representation is available in most areas of the law subject to a means and merit test. Appointments must be made for advice.

Street address: Branch offices are located around the state

Phone: 1300 888 529

Website: [Legal Aid NSW](#)

- **Chamber Magistrates**

Chamber Magistrates are usually located in local courts, and can sometimes provide free legal advice, or help you understand legal forms. Opening hours and the need to make appointments vary from court to court.

- **Community Justice Centres**

Community Justice Centres provide free mediation services to the community to help people resolve their own disputes. The service is free and confidential. Matters suitable for mediation are family and neighbour disputes, some workplace disputes and financial disputes.

Street address: Level 5, Parramatta Justice Precinct,  
160 Marsden Street,  
PARRAMATTA 2150

Postal address: Locked Bag 5111, Parramatta 2124

Phone: (02) 8688 7455 or 1800 990 777 (for general enquiries)

Fax: (02) 8688 9615

Email: [cjc\\_info@agd.nsw.gov.au](mailto:cjc_info@agd.nsw.gov.au)

Website: [Community Justice Centres](#)

- **Family Court of Australia**

The Family Court provides a confidential counselling service for parents who are separating or divorced and who have made application to the court regarding arrangements for their children in relation to residence, contact or other specific issues.

Street address: Level 2, 97–99 Goulburn Street, Sydney NSW 2000  
National Enquiry Centre Phone: 1300 352 000  
Email: [enquiries@familylawcourts.gov.au](mailto:enquiries@familylawcourts.gov.au)  
Website: [Family Court of Australia](#)

- **Intellectual Disability Rights Service**

This service is involved with the rights of people with intellectual disabilities. It provides legal advice, education, resources and publications to those with a disability, their family, carers and friends. It also assists solicitors working with people with an intellectual disability. Interviews are by appointment.

Street address: 2C, 199 Regent Street, Redfern NSW 2016  
Phone: (02) 9318 0144 or 1800 666 611  
Email: [info@idrs.org.au](mailto:info@idrs.org.au)  
Website: [Intellectual Disability Rights Service](#)

## **Financial Support Services**

- **Centrelink**

Centrelink 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.

Postal address: Reply Paid 7800, Canberra BC ACT 2610  
Phone: 132 468  
Fax: 1300 786 102  
Website: [CentreLink](#)

## **Support organisations: (members with personal experience of adoption)**

- **Adoption & Permanent Care Association of NSW**

If you want to talk with an adoptive parent about a particular issue, this support group for adoptive parents welcomes telephone enquiries.

Postal address: PO Box 629, Ryde NSW 1680  
Phone: (02) 8091 5157  
Email: [info@apansw.org.au](mailto:info@apansw.org.au)  
Website: [Adoption and Permanent Care Association of NSW](http://Adoption and Permanent Care Association of NSW)

- **Origins Australia**

A self-help organisation supporting people separated by adoption.

Street address: Unit 2 113–115 The Crescent, Fairfield NSW 2165  
Postal address: PO Box W18, Fairfield West NSW 2165  
Phone: (02) 9725 7723  
Email: [lilya@originsnsw.com](mailto:lilya@originsnsw.com)  
Website: [Origins Australia](http://Origins Australia)

- **Parramatta Holroyd Adoption Self-Help Group**

A post adoption support meeting takes place on the first Wednesday evening of the month from 6:30–8:30pm. Please phone before attending a meeting. This group is offered to all who have been affected by the adoption experience.

Street address: 37 Collins Street, Pendle Hill NSW 2145  
Phone: (02) 9636 8437  
Email: [admin@phfs.org.au](mailto:admin@phfs.org.au)

## 16. Suggested Readings

### **Adoption and Loss: The Hidden Grief**

*by Evelyn Burns Robinson, Clova Publications 2000.*

A birthmother talks of her personal experience of adoption and loss as well as looking at the effects on other members of the triangle.

### **Birthmothers**

*by Merry Bloch Jones. Chicago Review Press, 1993.*

A comprehensive study of the impact of adoption on birth mothers' lives.

### **Lost and Found: The Adoption Experience**

*by Betty Jean Lifton. New York, Harper & Rowe 1988.*

Explores the range of issues faced by adoptees, birth and adoptive parents while considering the search process and the benefits of openness in their adoption experience.

### **Out of the Shadows**

*by Mary Martin Mason. O. J. Howard Publishing, Edina, Minnesota, USA, 1995*

17 US birth fathers with contrasting stories are interviewed by Mason, who is both an adoptee and an adoptive parent. One of the world's few books dealing with birth fathers' experiences and feelings.

### **The Primal Wound**

by Nancy Verrier

### **The Open Adoption Experience**

*by Lois Melina, Harper Collins Publishers, New York, 1993*

A complete guide for adoptive and birth families – from making the decision through the child's growing years.

### **Reflections: Birthparents Stories**

*Ed: Centacare Adoption Services, Sydney, 2002*

The experience of adoption explained in their own words, by parents who have arranged adoption for their child in the recent past.

### **The Colour of Difference**

*Ed: Sarah Armstrong and Petrina Slaytor, Sydney, 2001*

This book looks at the issue of trans-racial adoption from the perspective of 27 adult adoptees. It has accounts of adoptees who were born in Australia (9) and from inter-country (18) and their experience of being adopted trans-racially in Australia.

### **Releasing the past: Mothers' stories of their stolen babies**

*Ed: Christine A Cole, Sydney, 2008*

# Exploring Adoption: Other Options

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Presented by



Chairperson  
Secretary  
Website  
ABN

Lisa Vihtonen  
Jane Eales  
[www.copac.org.au](http://www.copac.org.au)  
33 7508 26395

All correspondence to:  
Level 1, 518 Kent Street  
Sydney, NSW 2000  
Ph 02 9267 0300

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## Introduction

This booklet recognises it is the right of every child to grow up in a loving and nurturing family and where possible, family should be the child's birth family. Children need the nurturance, protection and continuity of care a family provides. For some parents, providing this necessary care is difficult and for some, it is not possible. Parents may experience difficulties caring for their child at any age from infancy to adolescence, so it may be useful to know where to go for help.

It is important to begin discussing your options as soon as you are aware you are pregnant. The information contained in this booklet is designed to assist you at this stage or shortly after the birth of your baby.

This booklet gives details of the resources and support services available if you are considering raising your child, as well as explaining a number of options, if you are considering other people caring for your child. This is only a brief introduction to considering adoption and other alternatives.

Adoption is where a child is permanently placed with another family, and those carers become the legal parents of the child. You remain connected to your child by birth but no longer have any legal recognition as the child's parent. In NSW adoptions are open and in most cases ongoing contact with your child will continue.

For more information about adoption talk to one of the four adoption agencies in NSW: **Anglicare Sydney, Barnardos, CatholicCare, and Family & Community Services**. You should also read the Mandatory Written Information package on adoption, which can be provided by any of these agencies. It is also recommended you seek legal advice. Further questions may be answered by contacting the organisations and services listed throughout this booklet. Please note the contact details were correct at the time of printing, however may have since changed. Please check the website or directory assistance for current contact details.

## What is Adoption

If a parent or a child's family of birth cannot care for their child, adoption is another way to ensure a child is raised within a permanent family who is ready to meet the child's needs and best interests. With adoption, all legal rights and responsibilities of the parent are transferred to the adoptive parents of their child once the formal Order of Adoption is made in the NSW Supreme Court. In NSW all adoptions are considered open adoptions, where biological and adoptive families have access to varying degrees of each other's personal information and have the opportunity for contact.

Before making an adoption decision, parents are given plenty of time and support to make an informed decision about choosing adoption for their child. During this time you may choose to place your child in temporary voluntary out-of-home-care. This gives you the opportunity to experience in a real way what it feels like to be away from your child and if you can live with being permanently separated from your child.

If you decide to pursue adoption for your child, you will be linked in with an adoption caseworker who will work closely with you in making an informed decision. If you want to pursue adoption you will have to give legal consent to your child's adoption. As part of planning for adoption, you will be encouraged to be involved in choosing the adoptive family for your child, with the support of your adoption caseworker. You will be asked about your wishes for future contact with your child and this will form the basis of an Adoption Plan.

Adoption Plans contain mutually agreed to arrangements for ongoing contact between all parties involved. Parents may see their child and the adoptive family and correspond with their child after adoption. Meetings are initially facilitated by the adoption agency and adoption caseworker. As adoption is open in NSW, most adoptive and birth family members progress to sharing independent contact arrangements once a relationship has been established between them. Contact, in the context of an open adoption, needs to always serve the best interests of the child.

Adoption is a life changing and irreversible decision for a child, their family of birth and the chosen adoptive parents. There are long term emotional consequences of making an adoption decision, as identified and explored in the Mandatory Written Information. You must receive and consider this document as part of making an informed decision about adoption. The adoption caseworker will help you to understand your rights and explore with you the implications of adoption as well as alternatives to adoption.

The alternatives to adoption are explored in the following chapters.

# Support Services for Parents

## How can I do that?

## Where can I get help?

If you are considering raising your child yourself, the following services are available to assist with practical and emotional support.

### Health

**GP:** Your local GP is available at any time to monitor your pregnancy, the health of you and your baby. They could provide support and make any appropriate referrals.

**Ante-Natal Clinic:** The ante-natal clinic at your local hospital will conduct pre-natal checks and monitor your health and that of your baby's during pregnancy. The hospital where you are planning to have your baby may also provide birth preparation classes.

**Hospital Social Worker / Community Health Worker:** The Hospital Social Worker/Community Health Worker can be contacted at any time during your pregnancy. The role of this worker is to provide you with information about different services that can assist you in raising your child. They can continue to provide support after your baby has been born.

**Nursing Staff:** The nursing staff from the hospital will help you to get to know your baby and will teach you basic parenting skills such as bathing, settling and feeding. They will be able to answer any questions you might have.

**Australian Breastfeeding Association (ABA):** The ABA provides telephone counselling to educate and support mothers who breastfeed. All of the counsellors are experienced mothers who have breastfed. They are also able to provide other support services such as groups that meet in your local area.

Helpline: 1800 686 2686 (1800 MUM 2 MUM)

Website: [www.breastfeeding.asn.au](http://www.breastfeeding.asn.au)

**Drugs and Alcohol:** If you would like advice about drugs and alcohol during pregnancy, the following services can provide you with information and assistance you may need.

Alcohol & Drug Information Service 1800 422 599

Chemical Use in Pregnancy (CUPS) 9382 7111 and page CUPS

Mother Safe 1800 647 848 or 9382 6539

Website: [www.mothersafe.org.au](http://www.mothersafe.org.au)

## Parenting Support

**Fathering your child:** If you are the father and are considering raising your child, you can also access the following support services.

- Mens Line 1300 789 978
- Relationships Australia 1300 364 277
- Barnardos Australia 1800 066 757  
Website: [www.barnardos.org.au](http://www.barnardos.org.au)
- CatholicCare 9390 5366  
Website: [www.catholiccare.org](http://www.catholiccare.org)

**Single Parents:** The following services provide you with opportunities to socialise with other single parents as well as provide you with a network of support.

- Parents without Partners 9833 2633
- Lone Parent Family Support Services 9251 5622

**Early Childhood Health Centres:** located in most suburbs for use by all parents from the time you and your baby leave the hospital until your child goes to school. The Early Childhood Health Centres will have information about parents' groups that can support you and your baby. The Hospital Social Worker/Community Health Worker will have the contact information for your local centre, or it can be found under "Early Childhood Health Centre" in the Business Section of the White Pages.

**Childcare, Occasional Care, Family Day Care, Before and After School Care and Vacation Care:** available in your area. For further information, contact your local council regarding the local facilities, availability and costs.

**Mychild:** Australia's online child care portal. On this website you will find information on different types of child care and how to get assistance with the cost of child care. You can also search a database to find child care centres in your local area. This site also has information and links to other useful websites about children's health and wellbeing, parenting and family support services. [www.mychild.gov.au](http://www.mychild.gov.au)

**Family Care Centres:** Family Care Centres can provide residential support or day stay to new parents. Alternatively they can provide an outreach program where a nurse or social worker can visit you in your home.

- Tresillian Parent Helpline 1800 637 357
- Karitane 24 hours Care-line 1300 227 464 (1300 CARING)

**Family Support Services:** can provide practical help with day-to-day living and advice on who to turn to. Family support services provide assistance for parents of children of all ages (see “Family Support Services” in the White Pages).

In addition, Anglicare, CatholicCare and Barnardos Australia also provide some family support services in specific regional areas.

- Anglicare Sydney 9895 8000  
Website: [www.anglicare.org.au](http://www.anglicare.org.au)
- Barnardos Australia 1800 066 757  
Website: [www.barnardos.org.au](http://www.barnardos.org.au)
- CatholicCare Cabramatta West 8784 6222  
CatholicCare Lakemba 9740 0111  
CatholicCare Lewisham 9509 1111  
Website: [www.catholiccare.org](http://www.catholiccare.org)
- Families NSW Parent line 1300 1300 5

**Family Referral Services (FRS):** work in partnership with NSW Health Services and non-government agencies. They aim to link vulnerable children, young people, and families with a range of appropriate support services in their local area such housing, childcare, drug and alcohol / mental health services, home visiting, and parent education. They are based across the state as well as in the metropolitan area. Any person or service already involved in helping you can contact them or you can telephone them yourself.

- South Eastern and Northern Sydney 1800 066 757
- South West Sydney 1300 244 826
- Western Sydney & New England 1800 597 589
- Illawarra 1800 663 863
- Far North Coast 1300 338 774
- Hunter/Central Coast & Lithgow 1300 006 480
- Riverina Murray 1300 307 897
- Southern & Western NSW 1300 339 016

### **NSW Family & Community Services (FaCS)**

If you are concerned that you or your baby face an immediate or serious threat of harm, please contact the FaCS Child Protection Helpline on **132 111**, even if your baby is not born yet. FaCS may be able to assist in engaging services to help you, depending on your circumstances. They may also be able to make suggestions about other services you can contact.

## Financial Support

**Financial Assistance** for families through Centrelink. When your baby is born, you should receive a package at the hospital, which includes application forms for payments that you may be entitled to as a parent. It is a good idea to look at the information about payments and services on the Centrelink Website.

- Centrelink / Family Assistance 136 150  
Website: [www.centrelink.gov.au](http://www.centrelink.gov.au)

**Assistance with Budgeting:** The Salvation Army and CatholicCare can provide assistance with managing your finances and are available to assist you with budgeting.

- Salvation Army Moneycare Line 1300 363 622  
Website: [www.salvos.org.au](http://www.salvos.org.au)
- CatholicCare Liverpool 9612 3456
- CatholicCare Lewisham 9509 1156

## Accommodation

**Accommodation or Housing:** If you are in need of accommodation or housing, you can contact Link 2 Home. This is the new, statewide homelessness information and referral telephone service.

Housing NSW provides emergency temporary accommodation, and you can go online to find your nearest office. The Housing Contact Centre may be able to provide you with assistance in the private rental market.

- Link 2 Home 1800 152 152
- Housing NSW  
Website: [www.housing.nsw.gov.au](http://www.housing.nsw.gov.au)
- Housing Contact Centre 1300 468 746
- Barnardos Australia Family Accommodation and Support Program 9218 2300

## Practical Assistance

**Practical Assistance** may be available for bills, furniture and food through the Family Referral Services, mentioned on the previous page or by contacting the following services:

- Anglicare Sydney 9895 8000
- Red Cross 9229 4111
- St Vincent De Paul 9568 0262
- The Smith Family 1800 024 069
- Salvation Army Care Line 1300 363 622

## Counselling Services

**Counselling Services** can be arranged by your GP making a referral to a counselling service through medicare; Alternatively counselling can be accessed through the following organisations. Costs may vary:

- Relationships Australia 1300 364 277  
Website: [www.relationships.org.au](http://www.relationships.org.au)
- CatholicCare Counselling Services 9307 8200  
Website: [www.catholiccare.org](http://www.catholiccare.org)
- Anglicare Counselling Services 9895 8000  
Website: [www.anglicare.org.au](http://www.anglicare.org.au)
- Unifam Counselling Service 9373 5500  
Website: [www.unifamcounselling.org](http://www.unifamcounselling.org)
- Community Health Centre (see “Community Health Centres” for your local area in the Business Section of the White Pages).

**Telephone Counselling** is available (some services offer 24 hour support) to help you through a crisis or provide advice or support when you need someone to talk to. Telephone counselling services may be able to refer you to other appropriate services that can assist you.

- Lifeline 13 11 14
- Parent Line 1300 301 300
- Dial-a-mum 9477 6777
- Salvo Care Line 1300 363 622
- BeyondBlue 1300 224 636  
Website: [www.beyondblue.org.au](http://www.beyondblue.org.au)

The **Family Planning Association (FPA)** has a 24-hour telephone health line that can be contacted for advice, support, information and referral.

- FPA Health Line 1300 658 886  
Website: [www.fpnsw.org.au](http://www.fpnsw.org.au)

**Disability Services and Early Intervention Services:** If your child has a disability, you can obtain information on suitable services through the Hospital Social Worker/Community Health Worker, NSW Ageing, Disability and Home Care.

- NSW Ageing, Disability and Home Care 1800 000 201
- CatholicCare Specialist Family Support Cabramatta West 8784 6222

## Employment and Education

**Education:** If you are a single parent who wishes to continue your education, there are services that can support and assist you until you have completed your course.

- TAFE: subsidised childcare facilities are available within the TAFE system.

Please contact your local TAFE College for information on the availability and costs.

- School: There are some schools in New South Wales that have programmes you can attend, enabling you to complete your School Certificate or HSC. Alternatively, you can complete either of these certificates through distance education. Contact the Open Training & Education Network (OTEN) for more information.

OTEN 1300 362 346

**Assistance with Employment and Retraining:** There are a number of services available to you to assist you re-entering the workforce.

- Dept of Education and Communities 1300 679 332  
Website: [www.dec.nsw.edu.au](http://www.dec.nsw.edu.au)

## Legal Services

You can obtain Legal advice from the following services:

- Legal Aid NSW 1300 888 529  
Website: [www.legalaid.nsw.gov.au](http://www.legalaid.nsw.gov.au)
- Law Society of NSW 9926 0333  
Website: [www.lawsociety.com.au](http://www.lawsociety.com.au)
- Children's Court of NSW  
Website: [www.lawlink.nsw.gov.au/childrenscourt](http://www.lawlink.nsw.gov.au/childrenscourt)
- Family Court of Australia 1300 352 000  
Website: [www.familycourt.gov.au](http://www.familycourt.gov.au)
- Supreme Court of NSW 1300 679 272  
Website: [www.lawlink.nsw.gov.au/sc](http://www.lawlink.nsw.gov.au/sc)
- Refugee Advice and Casework Service 9114 1600  
Website: [www.racs.org.au](http://www.racs.org.au)
- Women's Legal Services 1800 801 501 (free call for rural areas)
- Indigenous Women's Legal Contact Line 1800 639 784  
Website: [www.womenslegalnsw.asn.au](http://www.womenslegalnsw.asn.au)
- Aboriginal Legal Service 1800 733 233  
Website: [www.alsnswact.org.au](http://www.alsnswact.org.au)

## **Multi Cultural Services and Aboriginal Services**

You can access information and advice regarding cultural issues from the following services:

- SydWest Multicultural Services (Blacktown) 9621 6633
- Anglicare Multicultural Services 9895 8000
- Granville Multicultural Centre 9637 7600
- UnitingCare Aboriginal Children's Service Redfern 9698 2222 or 9557 0900
- Ethnic Child Care, Family & Community Services Co-operative Ltd 9569 1288
- Community Migrant Resource Centre (Parramatta) 9687 9901
- House of Welcome (Carramar) 9727 9290

## Shared Care

Support may be available within your immediate and extended family. Their capacity to help may depend on a number of factors, including their financial and emotional resources, but often they are willing to help if they are given the opportunity.

Both parents have legal rights and responsibilities, irrespective of whether or not you are married or in a relationship. Both parents also have a say in determining their child's future. It is important that you discuss your plans as early as possible, as your decisions will have a long-term impact on your child and yourselves.

Either parent, or your extended family members, may be able to provide ongoing support for a child, even though they may not be able to physically care for the child all the time. Any parent who does not have primary care of their child still has a responsibility to assist with financial support. If paternity is in doubt, a DNA test may be carried out. If there is disagreement as to who should have parental responsibility, an application can be made to the Family Court to determine what will be in your child's best interests.

Your parents or other family members may be available and willing to help share the care of your child, either in the short term (for example, when there is an emergency) or in the longer term and on a regular basis. This support not only gives you a break from the demands of parenting, but also provides emotional support. Regular child-minding by a relative will enable your child to form loving relationships with other caring adults, whilst giving you peace of mind that your child is being well cared for. It may also enable you to continue your education, employment, retrain, or have time away from the constant demands of parenting.

Shared care may also be organised on a more formal basis, where an agreement for shared parental responsibility is granted through the Children's or Family Court. Legal advice should be obtained to understand and explore these arrangements and there are legal services listed in the sections of this pamphlet on page 11.

# Foster Care Arrangements

## What is Foster Care (Out of Home Care)?

If neither you, your baby's father or a family member can care for your baby and you are unable to consider adoption, then the [Department of Family and Community Services](#) will need to become involved. There are a number of different outcomes for a child in this situation depending on the circumstances.

If it seems likely you or other family members will be in a position to look after your baby, but need some time and assistance to make arrangements, it may be possible for your child to be cared for by an authorised foster carer on a voluntary basis for a short period of time. If however, this period of time needs to be longer than a few months, Family and Community Services may decide it is necessary to make an application to the Children's Court to assume parental responsibility for your child while decisions are made about their long term future.

Stability and permanence are important considerations for every child so the longer your child is being well cared for by another person, the less likely it will be that they will be returned to your care, even if your circumstances change.

New legislation, which came into effect in October 2014, outlines the preferred hierarchy for children entering foster care. This hierarchy essentially means that before parental responsibility to the Minister (i.e., long term out-of-home-care) is considered, all other options including the possibility of restoration, placement with a relative or kin, and adoption have been explored.

It is important to understand that adoption is an option that is likely to be considered for your child and legislation allows for an adoption order to be made without your agreement, if the court decides this is in your child's best interests. This may include adoption of your child by their foster carers. Regardless of the circumstances or the particular legal orders made for your child, Family and Community Services will try to involve you and your baby's father as much as possible in the process of making plans for your child's future. This will include considering the best way for you and other family members to continue to have a role in your child's life.



Chairperson  
Secretary  
Website  
ABN

Lisa Vihtonen  
Jane Eales  
[www.copac.org.au](http://www.copac.org.au)  
33 7508 26395

All correspondence to:  
Level 1, 518 Kent Street  
Sydney, NSW 2000  
Ph 02 9267 0300

People featured in the photos are models only.

Design by: Vong Long  
PO Box 6550  
Baulkham Hills NSW 2153

Exploring Adoption: Other Options  
April 2015

Adoption Act 2000: how it affects you

POST ADOPTION

for adoptions made after 1 January 2010

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# Open access to adoption information

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For adoptions made in NSW after 1 January 2010, the *Adoption Act 2000* (the Act) allows adopted people, adoptive parents, birth parents and siblings of an adopted person to gain information about each other from the day the adoption order is made.

To make it clear for all involved with an adoption, the terms birth parent(s), adoptive parent(s) and adopted person/people will be used in this document.

## **Open access to adoption information benefits everyone**

The benefits of open access include:

- adopted people having a greater understanding of their birth family heritage, identity and culture from an early age
- birth parents and siblings can know about adopted people during their growing years
- birth parents, adopted people and birth siblings of adopted people are able to find, and have contact with, each other and form relationships
- Adopted people benefit from having meetings and/or information about their birth parents and siblings throughout the adopted persons' growing years. This also assists adoptive parents to help their adopted child deal with questions about their identity.

## **Challenges of open access**

The challenges of open access can include:

- Birth parents may be contacted by the adopted person in the future. This is why birth parents need to think about telling their family members about an adoption from the very beginning. If family members learn about the adoption later, experience shows that they can be very upset. Birth parents may want to keep their privacy and may choose not to have ongoing contact. They may also choose not to receive information about their child who was adopted. This can be difficult for adoptive parents to deal with, especially if their child wants to have contact.
- In these situations, most adopted people and adoptive parents are respectful of birth parents' wishes. However, as time goes on, many adopted people have questions that their adoptive parents cannot answer. They may also need updated birth family medical information. Some adoptive parents worry about unplanned contact. However, experience shows that not many birth parents make their own contact with an adopted person or adoptive family outside the agreed arrangements in an adoption plan.

## Available information

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The Act and the *Adoption Regulation 2015* detail the prescribed information that can be obtained about people involved in an adoption. Prescribed information is also referred to as social and medical information.

Non-identifying background information about a person involved in an adoption can include their:

- physical and intellectual attributes
- educational and vocational qualifications
- social and cultural background
- health (medical reports) and welfare
- family and other relationships
- religious beliefs
- hobbies and interests.

Identifying information about a person involved in an adoption can include their:

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

Documents that contain identifying information about an adopted person are:

- original birth certificate – which includes the names and possible addresses of the birth parents and the adopted person's name at the time of their birth
- amended birth certificate – which includes the names and possible addresses of adoptive parents and the adopted person's name after the adoption
- birth record and adoption order – which have the adopted person's pre- and post-adoptive names and the names of all of the people involved in the adoption.

Other identifying information is available from the NSW Registry of Birth, Deaths & Marriages (for example, details from birth, marriage or death certificates, if registered in NSW) which can help people search for each other.

## **For adopted people or adoptive parents**

### **Information available when an adopted person is *under 18 years***

At the time of an adoption, adoptive parents can receive a copy of the adoption order which contains identifying information about all the people involved in the adoption.

Adopted people can also have a copy of the adoption order (with the consent of their adoptive parent/s or the Secretary of the Department of Family and Community Services (FACS)).

Adoptive parents and adopted people (with the consent of their adoptive parents or the Secretary of FACS), can also obtain:

- non-identifying information that gives an adopted person or adoptive parent knowledge of the adopted person's birth family (parents, siblings, grandparents, aunts and uncles)
- the reason for the adoption decision
- any messages birth parents may have left for an adopted person or adoptive parent
- any other document, report, photograph or record relating to the adopted person that contains information about his or her origins.

In addition, adopted people (with the consent of their adoptive parents or the Secretary of FACS) can obtain:

- a copy of the birth parent's consent to the adoption (if this was given)
- copies of medical reports about the adopted person prepared before the adoption order was made
- identifying and non identifying information about their birth siblings whether adopted or not
- information from a birth, marriage or death certificate of a birth parent which will help them search for members of their birth family.

Non-identifying information (if known) is usually provided to adoptive parents by FACS or the agency that arranged the adoption when an adopted person goes to live with them.

### **Information available about a sibling (adopted or non-adopted) when an adopted person is *under 18 years***

Adopted people (with the consent of their adoptive parents or the Secretary of FACS) can apply for identifying and non-identifying information about their siblings (with whom they have at least one birth parent in common) and search for them. This may include an adoption order made in relation to an adopted sibling.

Adopted people can also be given information about the adoptive parents of their adopted siblings, such as their:

- age
- nationality
- ethnic background
- occupation
- hobbies and interests
- religion
- composition of the adoptive family.

### **Information available when an adopted person is over 18 years**

Adopted people are entitled to receive identifying and non-identifying information about themselves, their birth parents and siblings, as above, and to search for them. The consent of adoptive parents or the Secretary of FACS is not required.

Adopted people's entitlement to identifying information about their birth father depends on the circumstances at the time of the adoption. If, at the time of the adoption, or since, the birth father is recorded on the adopted person's Original Birth Certificate (OBC), the adopted person is entitled to receive identifying information about him. Similarly, if the birth father can be presumed at law to be the father of the adopted child, the adopted person is entitled to identifying information about him. An adopted person is entitled to receive identifying information about the birth father in these circumstances, in the same way the adopted person is entitled to information about their birth mother.

If, however, a birth father is not recorded on the OBC, and cannot be presumed to be the father at law, but is recorded in the adoption file as the father at the time of the adoption, he is known as the 'putative birth father' rather than a 'birth parent'. This is because his paternity has not been formalised under the law. Many fathers believe they were named on the OBC because they were at the hospital at the time of the birth and/or provided support to the mother during the adoption process. However, fathers had to sign the birth registration form to be named on the OBC, not just be named by the mother at the time of the adoption.

In this circumstance, an adopted person is entitled to identifying information about the putative father which was provided to the adoption agency at the time of the adoption. An adopted person can conduct their own searches, however, cannot contact or arrange for someone else to contact the putative father or any of his relatives, except by using the intermediary services or an information source. An adopted person will have to agree to this in a written undertaking before being given the identifying information.

Information sources are:

Department of Family and Community Services, Adoption Information Unit (AIU)  
The Benevolent Society — Post Adoption Resource Centre (PARC)

Burnside

International Social Service Australia (ISS)

Link Up (NSW) Aboriginal Corporation

Relationships Australia — Forced Adoption Support Service

The Salvation Army - Special Search Service

Wesley Dalmar Child and Family Care

Catholic Care

Barnardos

Anglicare.

## **For birth parents**

### **Information available when an adopted person is *under 18 years***

#### **Information available with an Adoption Information Certificate**

Birth parents can apply to the Secretary of FACS for an authority known as an Adoption Information Certificate (AIC) to obtain identifying information about an adopted person and adoptive parents.

Before an AIC can be released, an assessment must be made to determine if the release of identifying information would pose any risk to the safety, welfare or wellbeing of the adopted person or the adoptive parents.

If any risks are identified, it is possible that an AIC will not be released.

The [Guidelines for the Release of Adoption Information](#) provide details about the assessment process and can be accessed on the FACS website [www.facs.nsw.gov.au](http://www.facs.nsw.gov.au) or call an Adoption Information Unit caseworker to request a copy.

If an AIC cannot be issued, an Adoption Information Unit caseworker will contact the birth parent to discuss their options.

When an AIC is issued, the birth parent can apply for further identifying and non-identifying information which will help them know about their child and to search for them.

#### **Information available without an Adoption Information Certificate**

At any time birth parents can ask FACS or the agency that organised the adoption for:

- non-identifying background information about an adopted person and adoptive parent/s

- copies of documents the birth parent may have completed at the time of an adoption, such as consent forms, social and medical history and the form that recorded any requests they made for the adopted person
- copies of the adopted person's medical reports completed prior to the adoption
- messages which may be left for the birth parent
- any other document, report, photograph or record relating to the adopted person that contains information about his or her origins
- current information about an adopted persons' health and welfare, educational progress, hobbies, sporting and other interests, and information about the general lifestyle of an adopted person and their adoptive parent/s.

Birth parents can ask to be informed if FACS or the agency that arranged the adoption becomes aware that the:

- adopted person has died
- adopted person's relationship with the adoptive parents has irretrievably broken down and the adopted person is living separately from the adoptive family.

### **Information available when the adopted person is *over 18 years***

When an adopted person reaches 18 years of age, birth parents can obtain identifying and non-identifying information about an adopted person and their adoptive parents, and search for them. An Adoption Information Certificate is not needed.

### **For non-adopted siblings of adopted persons**

A non-adopted sibling of an adopted person is a sibling who is not adopted and has at least one birth parent in common with an adopted person.

### **Information available when an adopted person is *under 18 years***

Non-adopted siblings can apply to the Secretary of FACS for an Adoption Information certificate (AIC) to obtain identifying and non-identifying information about an adopted sibling and their adoptive parents.

A non-adopted sibling under 18 years wishing to apply for any adoption information must have the consent of their parents or the Secretary of FACS if there are no surviving parents or they cannot be found, or there is other sufficient reason to dispense with their consent.

Before an AIC can be released, an assessment must be made to determine if the release of identifying information would pose any risk to the safety, welfare or wellbeing of the adopted person or adoptive parents. This means

that non-adopted siblings and birth parents will be asked to participate in an assessment of any potential risks.

If risks are identified, it is possible that an AIC will not be released.

The [Guidelines for the Release of Adoption Information](#) provide details about the assessment process and can be accessed on the FACS website [www.facs.nsw.gov.au](http://www.facs.nsw.gov.au)

If an AIC cannot be issued, an Adoption Information Unit caseworker will contact siblings to discuss their options.

When an AIC is issued, non-adopted siblings can apply for further identifying and non-identifying background information which will assist them to know about adopted siblings and to search for them.

### **When both a non-adopted sibling and an adopted person are over 18 years**

Non-adopted siblings of adopted persons can receive identifying and non-identifying background information about an adopted person and can also search for them. They do not require an AIC or consent when both are over 18 years.

### **For relatives of adopted people**

The Secretary of FACS has the discretion to issue an AIC to obtain identifying and non-identifying information to relatives or people without a direct right to information, where it is reasonable to do so.

An Adoption Information Certificate (AIC) for information on an adopted person under 18 years of age which could be used to identify birth parent(s) cannot be released to a relative without the consent of the birth parent(s). In this situation an Adoption Information Unit caseworker will seek consent from birth parents.

Before issuing an AIC, which will enable identifying and non-identifying background information to be gained about the adopted person, consideration will be given to the:

- circumstances surrounding a request for information
- age of the parties to the adoption
- relationship between the person requesting the information and the other people involved in the adoption
- likely effect on everyone involved in the adoption, if the information is released.

## **For relatives of deceased adopted people or birth parents**

If you are the relative, spouse, de-facto or another person who had a close relationship with a now deceased birth parent or adopted person, you can apply for an authority to gain access to some of the information that would have been available to them.

Contact the Adoption Information Unit by email:

[adoption.information@facs.nsw.gov.au](mailto:adoption.information@facs.nsw.gov.au) or telephone 1300 799 023 for more details.

## **Your rights as a person with disability**

People with disability are not disadvantaged in their right to apply for identifying information or social and medical information.

Another person with an interest in the matter can apply to the Guardianship Tribunal for:

- the Tribunal to consider whether the person (with entitlements under the Act) has a disability or a condition making it impossible or unreasonable for them to exercise their rights, and
- if this is so, to appoint someone to exercise the rights on behalf of the person with disability.

For more information, contact:

Guardianship Tribunal

2a Rowntree Street

Balmain NSW 2041

P: 02 9556 7600 or

1300 006 228

E: [gd@ncat.nsw.gov.au](mailto:gd@ncat.nsw.gov.au)

## **Reunion and Information Register**

The Reunion and Information Register (RIR) is available for people who want to be contacted but do not wish to search. An adopted person, adoptive parent, birth parent, or anyone else with an interest in an adoption (and in the opinion of the Secretary of FACS ought to have their name entered) is eligible to have their name entered on the RIR at any time. A message may be left and contact may be requested.

Adopted people are able to register their details on the register when:

- they reach 18 years of age
- they reach 12 years with the consent of their adoptive parents or the Secretary of FACS

- they reach 16 years and if they are living separately from their adoptive parents.

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

## Contact and reviewing an adoption plan

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Contact allows adopted children and young people to maintain relationships with their families and other important people in their lives.

An adoption plan is an agreement between two or more people involved in the adoption and is formalised in writing by FACS. Usually made at the time of the adoption, an adoption plan is lodged in court with the adoption application.

An adoption plan can include things such as:

- arrangements to exchange information about the adopted person's medical background or condition and/or their development and important events in their life
- how contact will occur
- how the adopted person will be assisted to develop a healthy and positive cultural identity and foster links with their heritage
- certain financial and other assistance, if needed.

If contact occurs, the frequency of meetings should be based on what is realistic to manage and should be agreed to by everyone. Exchange of news and contact can begin with the support of an Adoption Information Unit caseworker and can progress to direct contact if everyone agrees.

Changes and regular events in both families, such as relocation, school, sports, activities or holidays, impact on how and when contact can occur.

Contact set out in an adoption plan may be re-negotiated over time. Changes can often be worked out informally between the families or with the assistance of an adoption information caseworker.

Being flexible and considering the needs of the adopted person and the changing needs of each family will make it easier for everyone to enjoy time spent together.

In the event that an agreement cannot be reached, the Court may be asked to review the adoption plan.

If you want more information on registration of adoption plans please go to [www.community.nsw.gov.au](http://www.community.nsw.gov.au) for the 'Registration of adoption plans factsheet'

## Referring to adoption in the media

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Only non-identifying information about people involved in an adoption can be discussed in the media after an adoption order is made, unless those people give permission to be identified.

## Fees for adoption information

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There are no fees for an adopted person to obtain information about their own adoption or for a birth parent to obtain information about their own child's adoption.

The following fees apply for individual services for other people having an interest in an adoption, for example relatives, siblings, relatives of deceased adopted people or birth parents, adoptive parents:

- Adoption Information Certificate (AIC) \$35
- social and medical information (prescribed information) \$50
- registration on the Reunion and Information Register (RIR) \$65

For further searches of the NSW Registry of Births, Deaths & Marriages records, and for additional certificates, you will need to pay the Registry's fees.

## Contacts

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### **Family and Community Services (FACS)**

#### **Adoption Information Unit**

Locked Bag 4028

Ashfield NSW 2131

P: 1300 799 023 (cost of local phone call anywhere in Australia)

F: 02 9716 3400

E: [adoption.information@facs.nsw.gov.au](mailto:adoption.information@facs.nsw.gov.au)

W: [www.facs.nsw.gov.au](http://www.facs.nsw.gov.au)

### **Other adoption agencies**

#### **Anglicare Adoption Services**

19a Gibbons Street

Telopea NSW 2117

P: 02 9890 6855

F: 02 9890 3700

E: [adoption@anglicare.org.au](mailto:adoption@anglicare.org.au)

W: [www.anglicare.org.au](http://www.anglicare.org.au)

**Australian Families for Children Inc**

Level 2, Suite 2A, 79 Oxford Street  
Bondi Junction NSW 2022

Postal:

P.O Box 7420

Bondi Beach

Sydney NSW 2026

P: 02 9389 1889

F: 02 9369 5969

E: [info@australiansadopt.org](mailto:info@australiansadopt.org)

**Barnardos Australia**

Find-a-Family Program

Level 4, 2-4 Holden Street

Ashfield NSW 2131

PO Box 455

Ashfield NSW 1800

P: 02 8596 5000

F: 02 9797 0108

W: [www.barnardos.org.au](http://www.barnardos.org.au)

**CatholicCare Adoption Services**

PO Box 3127

Bankstown Central NSW 2200

P: 02 8700 3333

F: 02 8700 3390

E: [adoptions@catholiccare.org](mailto:adoptions@catholiccare.org)

W: [www.catholiccare.org](http://www.catholiccare.org)

**Support services**

**Post Adoption Resource Centre (PARC)**

Suite 253, Level 5, 7-11 The Avenue

Hurstville NSW 2026

Locked Bag 6002, Hurstville NSW 1481

P: 02 9504 6788 or

Freecall: 1300 659 814 (regional NSW only)

E: [parc@benevolent.org.au](mailto:parc@benevolent.org.au)

W: [www.benevolent.org.au](http://www.benevolent.org.au)

PARC, under the auspice of The Benevolent Society, is funded by Family and Community Services to specifically offer services to people affected by the Adoption Act 2000. They provide services in NSW and the ACT that include:

- face-to-face counselling
- telephone counselling
- information sessions – information on searching, and other peoples' experiences of reunions
- intermediary / mediation services.

For a list of other support organisations see [www.community.nsw.gov.au/adoption](http://www.community.nsw.gov.au/adoption)

## **NSW Registry of Births, Deaths & Marriages**

### **Adoption Inquiries**

P: 13 77 88

W: [www.bdm.nsw.gov.au](http://www.bdm.nsw.gov.au)

E: [bdm-webmail@adg.nsw.gov.au](mailto:bdm-webmail@adg.nsw.gov.au)

Visit [www.services.nsw.gov.au](http://www.services.nsw.gov.au) to search for a service centre close to you.

## **Supreme Court of NSW**

The Supreme Court of NSW has records of court proceedings relating to adoptions. It can be particularly useful to apply to the Supreme Court for these records if there is only limited information on the adoption file or if the adoption was arranged by a solicitor.

Adoption Clerk, Supreme Court NSW

GPO Box 3, Sydney NSW 2001

P: (02) 9230 8733

**STATEMENT OF COUNSELLOR**

(Parent giving consent)

**ADOPTION ACT 2000 (NSW) Section 61(3) & 63**

I certify that I have:

- **Provided counselling in relation to**
  - the legal effect of signing the instrument of consent,
  - the procedure for revoking consent,
  - the effect of the mandatory written information,
  - the emotional effects of adoption and
  - the alternatives to adoption including for the parents, the feasibility of keeping their child

to \_\_\_\_\_  
first middle name/s last  
(full legal name of parent)

In relation to:

\_\_\_\_\_  
first middle name/s last  
(full legal name of the child)

born on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ year  
number month

on \_\_\_\_\_  
(date/s counselling took place)

I certify that the above named person understands the effects of signing the instrument of consent to Adoption pursuant to section 61(3) of the *Adoption Act 2000*.

I certify that on this date I am on the Register of Counsellors in accord with Clause 78 of the Adoption Regulation 2015

Name: (print) \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

I am the above named parent of the child named above.  
I have received counselling as described above.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**STATEMENT OF PERSON QUALIFIED TO WITNESS A CONSENT  
(IMMEDIATELY BEFORE CONSENT IS SIGNED)**

ADOPTION ACT 2000 (NSW) Section 62(2); 184 and 185  
ADOPTION REGULATION 2015 (NSW) Clause 81 & 82

I, \_\_\_\_\_  
first middle name/s last  
(full legal name of person)

of \_\_\_\_\_  
(full address - number, street, suburb, state)

declare that:

1. I am a \_\_\_\_\_  
(Insert one of the following) - Delegate of the Secretary - Principal Officer Accredited Adoption Service (*and not the caseworker for the proposed adoptive parents*) - Independent Lawyer - Registered Counsellor. If signed outside of NSW refer to the witness categories listed in Clause 81(1) of *Adoption Regulation 2015*.

2. I confirm I am not an officer of the Department, or an employee of an accredited adoption service provider, who is the caseworker for the proposed adoptive parents.

3. I confirm I am not the registered counsellor of the person signing this instrument.

4. I certify I have sighted the following document(s) to confirm the identity of the person named below who is giving consent:

\_\_\_\_\_

5. I confirm I am not aware of any mental, emotional or physical unfitness of the person named below to give consent.

6. I am satisfied that:

\_\_\_\_\_ first middle name/s last  
(full name of person giving consent)

- Has been provided with a copy of the instrument of consent and the mandatory written information at least 14 days before the consent was signed ; AND
- Has been given ample opportunity to read the instrument of consent and mandatory written information and understands the effect of signing the consent ; AND
- Has been counselled within the prescribed period (not earlier than 5 days after the birth of the child and not more than 30 days or less than 72 hours before giving consent) and understands the effects of giving consent; AND
- The person giving consent is a parent of the child for whom consent is being given; AND
- Is signing the consent free from threat, inducement or influence of any kind as set out in section 184 of the *Adoption Act 2000*.

7. I confirm I have sighted (*strike out and initial paragraphs (or parts of a paragraph) below, that are not relevant to the person giving consent*):

- (where the person giving consent is under 18 years of age) a report prepared by \_\_\_\_\_ (a counsellor or other appropriate expert), dated \_\_\_\_\_, stating that the above named person is capable of understanding the effect of the consent.
- (where the person giving consent is under 18 years of age) a letter prepared by \_\_\_\_\_ (a solicitor), dated \_\_\_\_\_, stating that the above named person has received independent legal advice concerning the adoption.
- (where the person giving consent has participated in an assessment of their fitness to give consent) a "Certificate of Fitness" prepared by \_\_\_\_\_ (a psychiatrist or registered psychologist) dated \_\_\_\_\_ stating that the above named person is in a fit condition to give consent.



**GENERAL CONSENT TO ADOPTION OF A CHILD**

(Parent giving consent)

**ADOPTION ACT 2000 (NSW) Section 53(1)(a); 53(2) & 61  
ADOPTION REGULATION 2015 (NSW) Clause 80(1)**

I, \_\_\_\_\_  
first middle name/s last  
(full legal name of person)

of \_\_\_\_\_  
(full address - number, street, suburb, state)

being the \_\_\_\_\_  
(mother / father)

of \_\_\_\_\_  
first middle name/s last  
(full legal name of child)

born on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_  
number month year

at \_\_\_\_\_ in the State of \_\_\_\_\_

give consent to the adoption of the above named child by any person or persons approved and selected to adopt the child in accordance with the law of New South Wales.

In giving consent to the adoption:

- I received a copy of the instrument of consent and the mandatory written information on \_\_\_\_\_ being at least 14 days before this day.
- I received counselling pursuant to section 63(1) of the *Adoption Act 2000* on \_\_\_\_\_ being not earlier than 5 days after the birth of the child and not more than 30 days and no less than 72 hours before this day.
- I have been informed and understand that on the making of the adoption order my legal rights as a parent to the child will cease and parental rights and responsibilities will be transferred to the adoptive parent(s), and that for all legal purposes the child will be considered to be the child of the adoptive parent(s).
- I understand that I have the right to revoke (withdraw ) my consent for adoption before 5pm on \_\_\_\_\_ which is 30 days beginning on the day on which I signed consent (Day 1 being the day after signing) by giving notice in writing to the Registrar of the Equity Division, Supreme Court, Queens Square, Sydney, NSW.
- I have been informed and understand that the child will come under the parental responsibility of the Secretary of the NSW Department of Family & Community Services when all the necessary consents to adoption have been given or dispensed with by the Court. If the child is currently under the parental responsibility of the Minister of the NSW Department of Family & Community Services, he/she will continue to remain so until further orders are made.
- I understand that if the Court is not satisfied that the best interests of the child will be promoted by adoption the Court has the power to make alternate orders in relation to the parental responsibility of the child, for example a parenting order under the Family Law Act or an order declaring the child to be under the parental responsibility of the Minister.
- I have been informed of my rights under the Adoption Act 2000.

# SAMPLE ONLY – DO NOT FILL OUT OR SIGN

***Strike out and initial paragraphs (or parts of a paragraph) below, that are not relevant to the person giving consent:***

- I am under 18 years of age. I have received independent legal advice concerning the adoption before signing this instrument of consent.
- I am under 18 years of age. I have met with a counsellor or other appropriate expert regarding my capacity to understand the effort of this consent.
- The child is Aboriginal. In accordance with section 64 of the *Adoption Act 2000*, I have been given adoption counselling prior to signing the instrument of consent; OR I have been offered adoption counselling but refused it. I have been provided with written information on Aboriginal customs and culture on \_\_\_\_\_ (being at least 7 days before signing this consent). I have read and/or had read to me and understood that written information.
- The child is Torres Strait Islander. In accordance with section 65 of the *Adoption Act 2000*, I have been given adoption counselling prior to signing the instrument of consent; OR I have been offered adoption counselling but refused it. I have been provided with written information on Torres Strait Islander customs and culture on \_\_\_\_\_ (being at least 7 days before signing this consent). I have read and/or had read to me and understood that written information.
- I hereby request and authorise:
  - the Secretary of the NSW Department of Family & Community Services; OR
  - the Principal Officer of \_\_\_\_\_  
(Name of Accredited Adoption Service Provider)

to make arrangements for the adoption of the above named child by persons approved as fit and proper to adopt a child and selected as suitable to adopt the child, and specified above.

Signature of person giving consent: \_\_\_\_\_

Dated this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_  
number month year

Signature of Witness: \_\_\_\_\_

Qualification of Witness: \_\_\_\_\_

(Insert one of the following) - Delegate of the Secretary - Principal Officer Accredited Adoption Service (*and not the caseworker for the proposed adoptive parents*) - Independent Lawyer - Registered Counsellor. If signed outside of NSW refer to the witness categories listed in Clause 81 of *Adoption Regulation 2015*.



**REVOCAION OF ADOPTION CONSENT – PARENT / GUARDIAN**

**ADOPTION ACT 2000 (NSW) Section 73 (2)**

You can revoke (withdraw) your consent to adoption at any time up to 30 days from the date you gave consent, with counting for the 30 days beginning on the day after you signed the instrument of consent (That is, day one is the day after signing). **You cannot revoke your consent after this period.**

You can fill in the notice below and post it or deliver it personally to the Court. The revocation form or a letter **must** arrive at the Supreme Court before the end of the 30 day revocation period. Send your letter or this form to:

Attention: Adoption Clerk Registrar of the Equity Division Supreme Court of NSW Queen's Square 184 Phillip Street, (GPO Box 3) SYDNEY NSW 2000	#
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If you have any questions about how to revoke your consent contact your caseworker or ring **Adoption Services, Family & Community Services on (02) 9716 3003 and ask to speak to a caseworker.**

**REVOCAION NOTICE**

I, \_\_\_\_\_  
first middle name/s last  
(full legal name of person giving consent)

of \_\_\_\_\_  
(full address – number, street, suburb, state)

being the \_\_\_\_\_  
(mother, father or guardian)

of \_\_\_\_\_  
first middle name/s last  
(full name of child)

born on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_  
number month year

at \_\_\_\_\_ in the state of \_\_\_\_\_  
suburb/city

on \_\_\_\_\_ gave consent to the adoption of this child.  
insert date

**I hereby withdraw my consent to my child's adoption**

Signature: \_\_\_\_\_  
(signature of person revoking consent)

Dated the: \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_  
number month year