

Thinking About



NSW Department of
Community Services

Adoption

2009

Thinking about Adoption

“I do believe that the institution of adoption is different than other ways of family building, not less than, not more than, but not the same as.”

Sharon Kaplan (now Roszia)

This document has been written as an introduction and broad overview of adoption and may be repetitive of information contained elsewhere on the Department’s Adoption website. It is produced in hard copy and on the DoCS website.

What is adoption?

Adoption is one of a range of options used to provide permanent care for children who are unable to live with their birth families. It is a legal process where legal rights and responsibilities are transferred from birth parents to the adoptive parents.

How and why is adoption different today?

Our society has changed. There is acceptance and support for single parent families today and the secrecy that was the basis of past closed adoptions to protect people, for example, from the ‘stigma’ of illegitimacy; is no longer necessary. Secrets aren’t a good basis for any relationship.

We’ve also learnt so much from people whose lives have been touched by adoption:

- Adopted people have talked about a need to know about their birth family to allow them to grow, feeling whole. Today all adopted children have the legal right to know about their origins from time of placement. Recognition of the genetic and emotional connection an adopted person has to their birth family, and feeling supported to embrace their cultural and racial heritage helps the adopted person to develop a positive identity.
- Birth parents have taught us that they don’t ‘forget’ about their children who were adopted. A birth parent’s need to know about their child’s wellbeing is acknowledged and their involvement in their child’s life, by being involved in the choice of adoptive family for their child, or by direct or indirect ongoing contact, is valued.

- Adoptive parents have taught us that there are additional challenges in adoptive parenting. Today adoptive parents are provided with lots of information about adoption and given the opportunity to discuss their thoughts and feelings about their journey, in preparation seminars and in the assessment process.

What about openness in adoption?

Openness in adoption is about more than the mutually agreed contact that may occur between a birth and adoptive family and child, through letters, email, photos and meetings. It is also about openness, even if there is no contact, in the way adoption is discussed and handled in the family.

Openness can not occur without the right attitude and recognition of the value to a child of understanding and empathy between adoptive and birth families, who are forever linked by adoption. It's also about openness to the changes that will continue to occur in adoption practice as more is learnt about the meaning of adoption to the people who live it.

Who are the children needing families?

The Department of Community Services currently runs two main programs, Local and Intercountry - for children (unrelated to applicants) needing families.

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

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

- Children from infancy to 2 years, who are from a variety of backgrounds reflecting our community.

Aboriginal parents are needed for Aboriginal children. Please ring us at Adoption and Permanent Care Services (02 9716 3003) if you or your partner are Aboriginal and are interested in caring for a child.

- Children who require *permanent care* and who are under the parental responsibility of the Minister for Community Services because their parents are unable to provide care for them
- The Special Placements Program which finds family placements for children with *specific placement requirements* such as a significant medical conditions and/or developmental delay, children who are older and sibling groups. There are slightly different procedures for this program. *If you are interested in learning more about children with specific needs ring us at Adoption and Permanent Care Services (02 9716 3003). You may wish to be included on the mailing list and receive regular information about children currently needing placement.*

2. Intercountry Adoption Program

Intercountry adoption occurs between Australia and those countries with whom the Australian government has a bilateral agreement about intercountry adoption or who are a member of the Hague Convention on the Protection of Children and Cooperation in respect of Intercountry Adoption. This Convention establishes safeguards to ensure that intercountry adoption takes place in the best interests of the child and to prevent the abduction, sale or trafficking of children.

An average of 80 children a year, come from overseas to live with intercountry adoptive families. The majority of these children are usually aged from infancy to 8 years and include sibling groups. Current waiting times across most intercountry adoption programs have increased significantly in recent months. Advice from some overseas countries indicates that the number of younger children requiring overseas adoptive families is declining as these countries are increasing in their ability to place these children with families within their own country.

Understandably this is a difficult period for prospective adoptive applicants, who invest a great deal of time and energy into the adoption process. We encourage you to refer to the Federal Attorney General's website for current up to date information on the existing intercountry adoption programs and their relevant waiting times. Their address is: www.ag.gov.au - click on Intercountry Adoption and go to the Current Intercountry Adoption Programs tab.

There are a number of countries that need families who are willing and have the necessary qualities and skills to adopt older children and sibling groups.

There are limited options for single people interested in adopting from overseas. Some programs will not accept applications from single people while others give preference to de facto or married couples.

The Ethiopian program will accept single applicants but currently there is a significant waiting list for this program and it would take some years before an application can be sent there.

There are other countries which will accept applications from single applicants who are willing to adopt older children and those with complex needs. Please read through the Current Intercountry Adoption Program information on the Attorney-General's website for more detailed information. Currently no overseas agencies will accept applications from same sex couples.

Adoption does not circumvent immigration laws. Requests to bring a related child, who lives in an overseas country, to Australia for the purpose of adoption are rarely facilitated. Attempts by private individuals to make informal or private arrangements for intercountry or local adoption are not supported by the NSW Adoption Act 2000.

For information on intrafamily adoption, that is adoption by a relative or step-parent, email (adoption@community.nsw.gov.au). or call the Adoption and Permanent Care Services Branch (02 9716 3003) for an information package.

Can I apply?

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

How to apply

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

The stages in applying to adopt through the local or intercountry program are as follows:

- Stage 1: Read** 'Thinking about Adoption'. Do you meet the criteria? Interested in learning more?
- Stage 2: Order** an Adoption Information Package by using the order form (attached).
- Stage 3: Submit** the Expression of Interest (EOI) in the Adoption Information Package if you think you may be eligible to adopt. If it appears from the EOI that you meet the criteria for the program you specify;
- In the **Local** Program: Attendance at a seminar is by invitation, depending on the needs of the Program. Your EOI remains valid for 12 months.
- In the **Intercountry** Program: You will be asked to ring Adoption and Permanent Care Services to book into the next available seminar.
- Stage 4: Attend** a 2 day Preparation Seminar. (Adoption application kit provided at end of Preparation Seminar)
- Stage 5: Lodge** formal application to adopt.
- Stage 6: Undergo** Adoption Assessment, which includes health, police and referee checks as well as interviews with a contracted adoption assessor.
- Stage 7: Approval decision** made at Adoption and Permanent Care Services.
- Stage 8:** In the **Local** Program: **Enter pool** and prepare profile for consideration by birth parents. Placement occurs if you are chosen as the family best able to meet a child's needs. There is **no 'waiting list' or date priority system.**
- In the **Intercountry** Program: Adoption application sent to overseas country to **await allocation** of a child. (Some countries impose a quota of applications sent so an

application may not be able to be sent immediately.) The decision to place a child for adoption with a family rests with the overseas adoption authorities. Timeframes vary from program to program.

If placement has not occurred within 2 years an update is done for local adoption and within 3 years for intercountry adoption.

Stage 9: In the **Local** Program: **Placement of child** if chosen
In the **Intercountry** Program: **Allocation and travel** to overseas country to meet child.

Stage 10: Post Placement supervision by contracted adoption assessor.

Stage 11: Order of Adoption in the NSW Supreme Court, (if required).

Are there Costs for adoption?

Fees are set by Regulation and the approximate costs for each of the programs are as follows:

- **Local** Adoption: Departmental fees of \$2,782 plus legal fees of \$834
- **Intercountry** Adoption: Departmental fees of \$9,700 (first adoption) and \$6,900 (second and subsequent application).

Additional fees for intercountry adoption include any NSW and overseas legal fees (including notarization, legalization and authentication of documents), immigration sponsorship application fees, travel expenses, translation fees and charges imposed by the overseas country/agency. These additional costs are in the range of at least \$10,000 - \$25,000.

The Department has a [hardship policy](#) that applies to the NSW Departmental fees for intercountry adoption services (see the website: www.community.nsw.gov.au/adoption in the intercountry section).

Special Placements Program

There are no fees for families interested in this kind of adoption, although there may be expenses associated with travel and accommodation to attend the preparation seminar. Adoptive parents of children with high care needs may qualify to receive DoCS assistance to meet the costs of special aids or general support, in order to assist the child to meet developmental goals.

Other costs:

In **addition** to the above costs applicants should plan their budget so that the family can afford to have one parent at home as a full time carer for a minimum of six months after placement of a child. This time allows the child (who has already experienced a change of caregiver at

least once) the opportunity to settle in and attach to their adoptive parents and new family members, without the confusion of multiple carers or attendance at childcare centres.

Is DoCS the only adoption service provider?

DoCS is currently the only agency in NSW that arranges intercountry adoption placements.

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

Centacare Adoption Services
phone (02) 8709 9333

Anglicare Adoption Services
phone (02) 9890 6855

Barnardos Find-a-Family Program
Barnardos specialise in older child adoption (up to 12 years) and work with families in the greater Sydney metropolitan, Central Coast and Illawarra areas.
phone (02) 9833 8877

What is the next step?

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

In the meantime visit our website for further information: www.community.nsw.gov.au/adoption and if you are also interested in intercountry adoption visit the website of the Federal Attorney-General (click on Intercountry Adoption): www.ag.gov.au.

DoCS Adoption and Permanent Care Services
February 2009

NSW criteria for assessment of adoption applicants

The criteria for assessment of adoption applicants are outlined in Clause 12 of the *NSW Adoption Regulation 2003*. These criteria are based on the understood needs of an adopted child and a belief that the best interests of the child are the paramount consideration in any adoption decision.

For the purposes of the Act, the relevant decision-maker is to consider the following matters when assessing the suitability of a person to be approved to adopt:

- a) the person's health, including emotional, physical and mental health
- b) the person's age and maturity
- c) the person's skills and life experience, in relation to the person's ability to undertake parenting tasks and attend to the specific needs of an adopted child
- d) the person's capacity to provide a stable, secure and beneficial emotional and physical environment during the child's upbringing until the child reaches social and emotional independence
- e) the person's financial circumstances, in relation to the person's capacity to adequately provide for the child's needs
- f) the person's capacity to support the maintenance of the child's cultural identity and religious faith (if any)
- g) the person's appreciation of the importance of and capacity to facilitate:
 - contact with the child's birth parents and family, and
 - exchange of information about the child with the child's birth parents and family
- h) the general stability of the person's character and the person's criminal history (if any)
- i) the stability and quality of the person's relationship with his or her spouse (if any) and between the person, his or her spouse (if any) and other members of the person's family and household
- j) the criminal history (if any) of the person's spouse (if any) and other members of the person's household
- k) if the person has had the care of a child before the application, whether the person has shown an ability to provide a stable, secure and beneficial emotional and physical environment for the child.

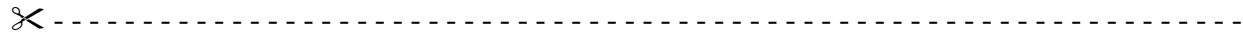


ADOPTION AND PERMANENT CARE SERVICES

Department of Community Services
4-6 Cavill Avenue, Ashfield NSW 2131
Locked Bag 4028, Ashfield NSW 2131
DX 21212 Ashfield
email: adoption@community.nsw.gov.au
website: www.community.nsw.gov.au/adoption

ADOPTION INFORMATION PACKAGE

Once you have read the Thinking about Adoption Newsletter, you may wish to obtain the ADOPTION INFORMATION PACKAGE, which includes the *Considering Adoption* booklet, an *Expression of Interest* form and a book on adoption. To do so, please complete and return the Order Form below.



ADOPTION INFORMATION PACKAGE

ORDER FORM

TO: Adoption and Permanent Care Services
Department of Community Services
Locked Bag 4028
ASHFIELD NSW 2131

Would you please supply the Department's **ADOPTION INFORMATION PACKAGE**.

I/We enclose a cheque or money order for \$40.00 to the DEPARTMENT OF COMMUNITY SERVICES being the gazetted fee and handling costs.

Name(s): _____

Address: _____

Telephone No: (H) _____

(W) _____

Date: _____