



INFORMATION FOR THE MUSLIM COMMUNITY

adoption in NSW



NSW Department of
Community Services



WHAT IS ADOPTION?

Adoption is one of a range of options used to provide permanency for children who can't grow up in the care of their birth parents or other family members.

In NSW adoption legislation and practice have evolved over the last 20 years to better reflect our present society. Both legislation and practice are based on the knowledge gained from people who have been touched by adoption.

Adoption is a legal process and amended NSW adoption legislation introduced in 2003 recognises that although adoption ends a child's legal relationship with birth parents, the emotional and genetic relationships remain. Adoption today embraces the importance of a child's sense of identity and openness to information exchange between the parties to an adoption, and places value on each child's cultural and racial heritage.

This booklet answers some basic questions about adoption in NSW and why it is compatible with what Muslims believe about adoption.



MUSLIM ADOPTION PRINCIPLES AND ADOPTION IN NSW

The term 'adoption' is often perceived as connected to secrecy and not knowing one's birth family in Australian society. This outdated interpretation of adoption can lead Australian Muslims to think they cannot legally adopt a child in Australia without violating Muslim adoption principles.

Research has shown that adopted people need to know where they come from and that secrets aren't a good basis for any relationship. Adoption legislation and practices have changed accordingly.

The secrecy that was part of past adoption practice is no longer reflected in NSW adoption legislation and practice. The *NSW Adoption Act 2000* can be viewed online at <http://beta.austlii.edu.au/>

These changes make it easier for Australian Muslims to adopt children in NSW as the practices are in accordance with Muslim views on adoption.

- Today all adopted children have the legal right to know about their origins from their time of placement. Recognition of the genetic and emotional connection an adopted person has to their birth family is encouraged, and children are supported to embrace their cultural and racial heritage.
- There is opportunity in contemporary NSW adoption practice for children to retain their birth family surname and the court can consider this in the context of any requests of the birth parents.
- Once adopted in NSW a child has right of inheritance from the adoptive parents, as do any other children of those parents. The proportion of the adoptive parent's estate the child may inherit can be decided by the adoptive parent and documented in their will.
- The birth parent's need to know about their child's welfare is legally acknowledged, and their involvement in their child's life is valued. An Adoption Plan (which is recognised by the court) sets out the mutually agreed contact arrangements between a birth family and the adoptive family.



- During preparation seminars and the assessment process, prospective adoptive parents are provided with lots of information about adoption. They are given the opportunity to discuss their thoughts and feelings about how they will parent an adopted child. This includes being made aware of the adopted child's legal right to know about their origin.

Islam allows Muslims to raise children who are not their own. In fact, it encourages its members to accept and raise orphans within their family. Muslims can adopt children in the sense of taking care of them, looking after them and giving them a physical and spiritual home throughout their childhood. Islamic religion is very clear that adopted children need to know who their birth parents are.

The updated NSW adoption laws are consistent with this Muslim adoption principle. Nevertheless adoption in NSW is a legal process which forever links the adopted child to the adoptive family. All

legal rights and responsibilities of parents are transferred from the birth parents to the adoptive parents. Although they can retain their original surname, the child usually takes on the family name of the adoptive parents, and becomes at law the child of the adoptive parents.

Wherever possible, DoCS places Muslim children with Muslim families. This way the children can be raised to know and understand their Muslim culture and be brought up in their faith. However, to be able to do so, Australian Muslims need to be willing to adopt.

For more information about adoption in NSW in accordance with Muslim adoption principles call the Muslim Foster Care Team on

02 8713 7800

during business hours 5 days a week except Thursdays from 9 am – 1 pm.

Arabic speaking workers will be available to assist with your call.



DEPARTMENT OF COMMUNITY SERVICES' ADOPTION AND PERMANENT CARE SERVICES

Adoption and Permanent Care Services at the Department of Community Services (DoCS) provides a wide range of services in NSW.

It provides assistance to birth parents who are planning adoption for their child, people who want to adopt a child, people who are adopted and want to find out about their birth family, and birth parents who want to make contact with their adopted child.

For people who are interested in adopting, Adoption and Permanent Care Services runs preparation programs for:

- local adoption and permanent care
- adoption of children with special needs
- intercountry adoption.

Parenting an adopted child, like parenting a child born to you, is a rewarding and life changing experience. The adoption process starts for you well before a child is placed in your care.

There are additional challenges and many issues to consider before making a life long commitment to adoptive parenting.

This is why the process of applying to adopt moves in stages. New information at each stage helps you consider whether adoption fits your life circumstances and views.

DoCS Adoption and Permanent Care Services can be contacted by phone:

02 8855 4900

or email:

adoption@community.nsw.gov.au



WHAT QUALITIES DO I NEED TO ADOPT A CHILD?

All people who apply to adopt a child through DoCS must meet selection criteria for adoptive applicants.

1. Parenting

Applicants will have personal attributes and capacity to undertake the normal tasks of parenting and attend to the specific tasks of adoptive parenting including:

- raising a child who does not share the same biological and perhaps cultural heritage as the applicant/s
- ensuring that a child from the time of placement has the opportunity to be fully aware of his or her life story including information about birth family and culture of origin
- a willingness to participate in possible contact and exchange of information during the life of the child between the applicants, the child's birth family, and other people who have been significant in the child's life

- acceptance and understanding for a child when, particularly during adolescence, the child seeks to clarify his or her identity.

Where an application is for a child of over 24 months of age:

- being able to demonstrate parenting experience or capacity relative to the age, emotional, social and behavioural needs or demands of the child and, if such a child is from an overseas country, being familiar with the language and culture of the child.

2. Personal characteristics

Applicants will have appropriate age and fitness to have a reasonable expectation of retaining health and vigour to raise a child until adulthood and especially during the years of adolescence.

- The assessment of applicants will take into account the general desirability of placing

children with parents who are of an age at which people in NSW become parents.

- An applicant's state of physical and psychological health should not interfere with his/her ability to care for a child until the child reaches adulthood.

3. Repute

Applicants will be of good repute, as evidenced by reference to DoCS and police records and by information provided by referees nominated by the applicant.

- A record or pattern of violence, sexual assault, emotional abuse or a crime against a child will disqualify an applicant from assessment.
- Assessment will take into account the repute of the members of the applicant's household, particularly any conviction for a crime for physical abuse, sexual assault or a crime against a child.



4. Physical environment

Applicants will be able to provide a child with a safe, secure and beneficial physical environment.

5. Financial circumstances

The income and financial resources of the applicant/s will enable adequate provision for a child's physical, educational, health and social needs until the child reaches adulthood.

Intercountry applicants will have the ability to meet the cost associated with an intercountry adoption.

6. Family relationships and other children

Applicant's relationship

- The *Adoption Act 2000* recognises married and defacto relationships. The relationship between applicants should be stable, caring and harmonious at the time a child is placed.

- Married applicants will have been married for at least three years; or married for at least two years and before that living together in a bona fide domestic relationship for at least one year immediately preceding their marriage.

- De facto applicants will have been living together in a bona fide domestic relationship for at least three years.

- Single applicants may apply and be assessed for adoption however, if a child is placed with a single person the Court must be satisfied that the particular circumstances of the child make an Adoption Order desirable.

Other children in the family

- Any other children in the family will be at least two years older than a child to be placed for adoption.

- Any other children will have been in the care of the applicants for at least 12 months prior to the assessment of applicants for the placement of further children.

- The child placed for adoption will be the youngest child in the family except when:

- the child forms part of a sibling group or has an existing relationship with the applicant/s
- the needs and characteristics of a specific child indicate that placement with particular applicants would be desirable and that the child is at least two years younger than an existing older child and three years older than the following child of the family.

7. Pregnancy and fertility treatment

Applications will not be considered when one of the applicants is pregnant or pursuing fertility treatment. Where an existing applicant becomes pregnant or wishes to pursue fertility treatment the application will be suspended until the pregnancy or treatment is concluded.

8. Citizenship

At the time of placement of a child for adoption the applicant, or at least one of the joint applicants, will be an Australian citizen, unless the child proposed to be placed is of the citizenship of one of the adopting parents.

MORE INFORMATION

For more information
about adoption ring DoCS'
Adoption and Permanent
Care Services on

02 8855 4900

During business hours
5 days a week

For more information
about Muslim adoption
principles and adoption
in NSW ring the Muslim
Foster Care Team on

02 8713 7800

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Thursdays from 9 am – 1 pm

Arabic speaking workers
will be available to assist
with your call.

People featured in photographs
in this brochure are models only
and they are not adopted or
wanting to adopt.



NSW Department of
Community Services



New South Wales
Government

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Services

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