

# Adoption Act 2000

## how it affects you



**POST ADOPTION** for adoptions made AFTER 1 January 2010

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People featured in photographs in this brochure are models only.

## OPEN ACCESS TO ADOPTION INFORMATION

For adoptions made in NSW after 1 January 2010, the *Adoption Act 2000* (The Act) allows adoptees, adoptive parents, birth parents and siblings of an adoptee 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 adoptee will be used in this booklet.

### Benefits of open access

Open access to adoption information has significant benefits for everyone involved:

- adoptees have a greater understanding of their birth family heritage, identity and culture from an early age
- birth parents and siblings can know about the adoptee during their growing years
- birth parents, adoptees and birth siblings of adoptees are able to find and have contact with each other and form relationships
- adoptive parents experience the benefits to adoptees of having meetings and/or information about their birth parents and siblings throughout the adoptee's growing years.

### Challenges of open access

Anyone involved in an adoption and/or birth siblings may have contact with each other at any time in the future. For this reason, birth parents need to think about telling family members about an adoption from the very beginning. Experience has shown that family members can be very upset if they learn about an adoption years down the track.

Challenges may arise for some adoptive families in situations where birth parents want their privacy respected or choose not to have ongoing contact or to receive information about their child that was adopted.

Most adoptees and adoptive parents are respectful of birth parents' wishes. However, as years go by, many adoptees have questions that adoptive parents cannot answer or they might need updated birth-family medical information.

Some adoptive parents may fear unplanned contact. However, past experience shows that very few birth parents make independent contact with an adoptee or adoptive family outside arrangements detailed in an adoption plan.



## AVAILABLE INFORMATION

The Act spells out the prescribed information that can be obtained about people involved in an adoption. Prescribed information is also called 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 and/or an adoptee's siblings can include their:

- name
- date of birth
- address.

Documents that contain identifying information are an adoptee's:

- original birth certificate - which has the names and possibly addresses of birth parents and the adoptee's name at the time of their birth
- amended birth certificate - which has the names and possibly addresses of adoptive parents and the adoptee's name after the adoption
- birth record and adoption order - which have the adoptee's pre and post adoptive names and the names of all of the people involved in the adoption.

Other identifying information can be gained from the NSW Registry of Birth, Deaths and Marriages (e.g. details from birth, marriage or death certificates, if registered in NSW) which can help people to search for each other.



## INFORMATION FOR ADOPTEEES OR ADOPTIVE PARENTS

### Information available when an adoptee is under 18 years

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

Adoptees can also have a copy of the adoption order (with the consent of their adoptive parent(s)).

Adoptive parents and adoptees (with the consent of their adoptive parents or the Director-General of Department of Human Services NSW) can obtain:

- identifying and non-identifying information that gives an adoptee knowledge of their birth family (parents, siblings, grandparents, aunts and uncles)
- the reason for the adoption decision
- copies of medical reports about the adoptee prepared before the adoption order was made

- any messages birth parents may have left for an adoptee or adoptive parent
- any other document, report, photograph or recording relating to the adoptee that contains information about his or her origins.

In addition, adoptees (with the consent of their adoptive parents or the Director-General of Department of Human Services NSW) can obtain:

- a copy of the birth parent's consent to the adoption (if this was given)
- information from a birth, marriage or death certificate which will help them to search for members of their birth family.

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



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

Adoptees (with the consent of their adoptive parents or the Director-General of Department of Human Services NSW) can apply for identifying and non-identifying information about siblings (with at least one birth parent in common with the adoptee) and search for them. This may include an adoption order made in relation to the adopted sibling.

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

- age
- nationality

- ethnic background
- occupation
- hobbies and interests
- religion
- composition of their adoptive family.

### **Information available when an adoptee is over 18 years**

Adoptees are entitled to receive all identifying and non-identifying information about themselves, their birth parents and siblings, and to search for them. The consent of adoptive parents or the Director-General of the Department of Human Services is not required.

## **INFORMATION FOR BIRTH PARENTS**

### **Information available when an adoptee is under 18 years**

Birth parents can apply to the Director-General of Department of Human Services NSW for an authority to obtain identifying information about an adoptee and adoptive parents.

Before an authority 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 adoptee or adoptive parents.

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

The *Guidelines for the Release of Adoption Information* provide details about the assessment process and can be accessed at: [www.community.nsw.gov.au/adoption](http://www.community.nsw.gov.au/adoption).

If an authority cannot be issued, an adoption caseworker will contact birth parents to discuss their options.

When an authority is issued, birth parents can apply for further identifying and non-identifying information which will help them to know about their children and to search for them.

### **Information available without an authority**

At any time birth parents can ask Community Services or the agency that organised an adoption:

- for non-identifying background information about an adoptee and adoptive parent(s)

- for 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 adoptee
- for copies of the adoptee's medical reports completed prior to the adoption
- for messages which may be left for the birth parent
- any other document, report, photograph or recording relating to the adoptee that contains information about his or her origins
- to try to gain current information about an adoptee's health and welfare, educational progress, hobbies, sporting and other interests, and information about the general lifestyle of an adoptee and their adoptive parent(s).

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

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

### **Information available when the adoptee is over 18 years**

When adoptees reach 18 years of age, birth parents can obtain identifying and non-identifying information about an adoptee and their adoptive parents, and search for them. An authority is not required.



## INFORMATION FOR NON-ADOPTED SIBLINGS OF ADOPTEES

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

### **Information available when an adoptee is under 18 years**

Non-adopted siblings can apply to Community Services for an authority 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 Director-General of Department of Human Services NSW if there are no surviving parents or they can not be found, or there is other sufficient reason to dispense with their consent.

Before an authority 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 adoptee 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 authority will not be released.

The *Guidelines for the Release of Adoption Information* provide details about the assessment process and can be accessed at: [www.community.nsw.gov.au/adoption](http://www.community.nsw.gov.au/adoption).

If an authority cannot be issued, an adoption caseworker will contact siblings to discuss their options.

When an authority 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.

### **Information available when both a non-adopted sibling and an adoptee are over 18 years**

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

## INFORMATION FOR RELATIVES OF ADOPTEES

The Director-General of Department of Human Services NSW has the discretion to issue an authority 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 authority for an adoptee under 18 years of age cannot be released to a relative without the consent of their birth parent(s). In this situation the Director-General of Department of Human Services NSW will seek consent from birth parents.

Before issuing an authority which will enable identifying and non-identifying background information to be gained about the adoptee, 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.

## INFORMATION FOR RELATIVES OF DECEASED ADOPTEES 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 adoptee, you are able to apply for an authority to gain access to some of the information that would have been available to them.

Contact the Adoption Information Unit for more details.



## YOUR RIGHTS AS A PERSON WITH A DISABILITY

People with a 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 the disability.

For more information, contact:

### **Guardianship Tribunal**

2a Rowntree Street  
Balmain NSW 2041

**P:** 02 9556 7600 or

**Freecall:** 1800 463 928 (*outside Sydney metropolitan area*)

## REUNION AND INFORMATION REGISTER

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

Adoptees are able to register their details on the Register:

- when they are 18 years of age
- between the age of 12 and 18 years with the consent of their adoptive parents or the Director-General of Department of Human Services NSW, or
- from 16 years 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 caseworker will help them to make contact with each other.

## REVIEWING AN ADOPTION PLAN

An adoption plan is usually agreed to at the time of the adoption and is lodged in court with the adoption application.

An adoption plan which is agreed to by two or more people involved in the adoption can include things such as:

- making arrangements to exchange information about the adoptee's medical background or condition and/or their development and important events in their life
- how contact will occur
- how the adoptee 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 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 need to be re-negotiated over time. Changes can often be worked out informally between the families or with the assistance of an adoption caseworker.

Being flexible and considering the adoptee 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.



## ADOPTION IN THE MEDIA

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

### When an adoptee is under 18 years

- for applicants under 18 years of age ..... no cost
- for applicants over 18 years of age ..... \$35

Services include an application for a supply authority, the provision of social and medical information and registration on the Reunion and Information Register.

### When an adoptee is over 18 years

There is a fee of \$100 for a package including:

- social and medical information from files held by Community Services
- registration on the Reunion and Information Register
- assistance and advice from Community Services Adoption Information Unit.

If you are a pensioner or benefit recipient, or you were under the parental responsibility of the Minister for Community Services, you are entitled to pay a minimum fee of \$35.

The following fees apply for individual services:

- social and medical information (prescribed information)..... \$50
- registration on the Reunion and Information Register ..... \$65

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



## CONTACTS

### Adoption Information Unit

Community Services  
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@dhs.nsw.gov.au](mailto:adoption.information@dhs.nsw.gov.au)
- W:** [www.community.nsw.gov.au/adoption](http://www.community.nsw.gov.au/adoption)



## OTHER ADOPTION AGENCIES:

### Anglicare Adoption Services

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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)

### Barnardos Australia

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Find-a-Family Program  
PO Box 137  
Annandale NSW 2038

**P:** 02 8596 5000

**F:** 02 8596 5001

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

### Centacare Adoption Services (Catholiccare)

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PO Box 3127  
Bankstown Centro NSW 2200

**P:** 02 8709 9333

**F:** 02 8700 3390

**E:** [adoption@catholiccare.org](mailto:adoption@catholiccare.org)

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

### Catholiccare Newcastle

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PO Box 775  
Newcastle NSW 2300

**P:** 02 4923 0660

## SUPPORT SERVICES:

### Post Adoption Resource Centre

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24a Ocean Street  
Bondi NSW 2026  
PO Box 239, Bondi NSW 2026

**P:** 02 9365 3444 or

**Freecall:** 1300 659 814 (*regional NSW only*)

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

**W:** [www.bensoc.org.au/parc](http://www.bensoc.org.au/parc)

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

### The NSW Registry of Births, Deaths and Marriages

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Adoption Inquiries

**P:** 1300 655 236

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

#### Sydney Office

35 Regent Street  
Chippendale NSW 2008  
GPO Box 30, Sydney NSW 2001

#### Parramatta Office

Justice Precinct Offices  
160 Marsden Street  
Parramatta NSW 2150

#### Wollongong Office

2/74 Kembla Street  
Wollongong NSW 2500

#### Newcastle Office

95 Tudor Street  
Hamilton NSW 2303