

## Fact sheet

### Thinking About Adoption

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#### What is Adoption?

Adoption is a legal process where all legal rights and responsibilities for a child are transferred from the child's birth parents to the adoptive parents.

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#### How and Why is Adoption Different Today?

A lot has been learnt from past practices. We have learnt that openness about a person's adoption creates an environment where a child is more able to talk about their story and to know about their origins.

- *Adopted people* have told us they have a need to know about their birth family, to allow them to grow and develop a sense of feeling whole. All adopted children have the legal right to know about their origins from the 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 an adopted person to develop a positive identity.
  - *Birth parents* have told 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. 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 told us that there are additional challenges in adoptive parenting. Adoptive parents are provided with a lot of information about adoption and given the opportunity to discuss their thoughts and feelings about their journey, in preparation seminars, the assessment process and in post placement support.
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#### What is Openness in Adoption?

Openness refers to the way a child is supported to remain connected to their birth family and cultural heritage. Openness is more than mutually agreed contact that may occur between the adoptive and birth families, through letters, email, photos and meetings.

Openness is an attitude as well as actions and is an integral part of adoption legislation and practice in NSW. Openness recognises the value to a child in understanding their background and that their adoptive and birth families are valued by each other.

It is 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 in NSW?

## Local Adoption Program

Less than 20 children each year find adoptive families through the local adoption program. The program identifies families for children whose birth parent/s voluntarily decide to consent to their child/ren's adoption. These children come from a variety of cultural and social backgrounds, where there may be a family history of psychological, social or medical issues. The children are mostly aged 0-2 years however referrals are accepted for children aged up to 5 years.

## Special Placements Program

The Special Placements Program finds families for children with *specific requirements*, such as a significant medical conditions and/or developmental delay, older children and sibling groups.

There are slightly different procedures for the Special Placements Program. If you are interested in learning more about children with specific needs, call Open Adoption and Permanency Services at (02) 9716 3003.

## Intercountry Adoption Program

To see the current countries that Australia has Intercountry Adoption programs with, information about the countries eligibility criteria and the children in need of adoption, please read through the 'Partner Country' section of the Intercountry Adoption Australia website:  
<http://www.intercountryadoption.gov.au/thinking-about-adoption/countries/>.

Intercountry adoption within Australia occurs under the principles of the *Hague Convention on the Protection of Children and Co-operation in respect of Intercountry Adoption*, of which Australia is a signatory. Australia also has bilateral agreements with some countries which are not members of the Convention, but whose practices satisfy the principles of the Hague Convention. The Convention establishes safeguards to ensure that Intercountry adoptions take place in the best interests of children and to prevent the abduction, sale or trafficking of children.

Less than 10 children are adopted from overseas by families in NSW<sup>1</sup> in any given year. The typical age range of the children was between infancy to ten years and included siblings.

The waiting times across most Intercountry adoption programs have increased over recent years. Advice from some overseas countries indicates that there are only a small number of younger children (0-3 years) requiring overseas adoptive families. It is predicted that the number of younger children requiring permanent families from overseas will remain low in coming years.

Countries are increasing their ability to place young healthy children with families within their own country. Consequently, there is an increasing demand for overseas adoptive families who can meet the needs of older children (generally aged over five years) and children with complex medical backgrounds and/or developmental delay. Families wishing to adopt older children or children with complex needs, need to be able to demonstrate the specific qualities needed to parent these children.

Limited overseas country programs accept single applicants. The few countries that do accept single applicants give priority to married couples. They typically only consider single applicants who

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<sup>1</sup> Australian Institute of Health and Welfare. Adoptions Australia 2022-23. Child Welfare Series Number 94. Cat. No. CWS 94. Canberra

are assessed as suitable and willing to adopt children who are older with complex social and medical backgrounds.

If you are interested or have been approached about adopting a relative or known child from an overseas country please refer to the relevant pages of the 'How to Apply' section of the Intercountry Adoption Australia website: <https://www.intercountryadoption.gov.au/countries-and-considerations/apply/>

## Permanent Care Program

Children who require permanent care, and who are under the parental responsibility of the Minister for the Department of Communities and Justice (DCJ) because they are unable to remain in the care of their parents or family members, may be placed with families who are dually authorised by DCJ for both adoption and foster care. The children are aged 0-8 years of age and may be a sibling group.

For some of these children, adoption by their permanent carers may be part of the future plan for their care. While a decision about the best long-term order is made for the child you will receive support from a DCJ caseworker.

**Please note:** the NSW Adoption Act 2000 does not support informal or private arrangements for adoption.

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## Adoption of Aboriginal and Torres Strait Islander Children

Many Aboriginal people believe that adoption is inappropriate for Aboriginal children. These beliefs are based on traditional Aboriginal customs of child rearing where the whole family and community contributes to the raising of a child rather than parenting responsibilities resting only with biological parents. Past practices of forced removals of Aboriginal children and its consequences also contribute to this view.

There is an alternative view in the community that Aboriginal children and their Aboriginal birth parents should not be denied the option of adoption, which is available to the wider community. Aboriginal people are diverse and there are many different circumstances in which adoption may be the best option for a child and their birth parents. *The Adoption Act 2000* (s35) requires that Aboriginal people should be given the opportunity to participate with as much self-determination as possible in decisions relating to the adoption of Aboriginal and Torres Strait Islander children.

DCJ adopts the position of not actively pursuing or seeking out adoption for Aboriginal and Torres Strait Islander children who are under the parental responsibility of the Minister. Adoption of Aboriginal and Torres Strait Islander children should only ever occur when:

- all other placement and permanency options have been thoroughly explored, exhausted and documented in detail
- appropriate and meaningful consultation with family and extended family (where possible) and the Aboriginal and Torres Strait Islander community has occurred and been documented in detail; and
- there is clear evidence that adoption is in the best interests of the child compared to any other placement option.

Aboriginal and/or Torres Strait Islander families are needed for Aboriginal and/or Torres Strait Islander children. Please ring us at Open Adoption and Permanency Services at (02) 9716 3003 if

you and/or your partner are Aboriginal or Torres Strait Islander and are interested in providing permanency for a child.

## How to Apply

To adopt a child in NSW you must be at least 21 years of age, resident or domiciled in NSW and meet legislated eligibility criteria for adoptive applicants. The NSW criteria for assessment of adoptive applicants is contained at Cl45 in the Adoption Regulations 2015.

DCJ have additional policy requirements to support children to transition to their new family. These are outlined in the Placement Agreement and Undertaking families sign when accepting the placement of a child. These policies are explained in detail in the 'Core Training' completed by families as part of the application process. For example, DCJ requires that a carer take six months off work following the placement of a child. This is because the research for children who are adopted shows that there are higher rates of disruption for children with attachment difficulties and that stability and permanence lead to better outcomes. A primary carer taking leave from work and being at home for the first six months of placement (can be longer for children with special needs) provides the opportunity for adoptive parents to have the time to bond with their new child and for attachments to occur.

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, interested or able to move to the next stage.

At the time you apply to adopt, you can apply to be dually authorised as an adoptive applicant and authorised carer (foster carer). This means that you can be considered for placement of children for adoption as well as children requiring a permanent care placement.

If you are an authorised carer wishing to adopt the child in your care, please contact your OOHC Service Provider or caseworker directly to discuss your options.

The stages to apply to adopt through the Local Adoption, Permanent Care or Intercountry Program are as follows:

**Stage 1: Read** this 'Thinking about Adoption' factsheet

**Stage 2: Telephone us.** You will have a discussion with a worker from Open Adoption and Permanency Services (OAPS) who will ask about your family and experiences and determine your program suitability. If suitable an Expression of Interest (EOI) form will be sent to you.

**Stage 3: Submit** the Expression of Interest (EOI) form if you meet the requirements of your preferred program.

In the **Local Adoption and Permanent Care Program**, attendance at a seminar is by invitation, depending on the needs of the program.

In the **Intercountry Program**, you will receive an invitation to book into a seminar.

Your EOI is valid for 12 months from the date that you receive written acknowledgement of EOI receipt from OAPS.

**Stage 4: Attend a two day seminar 'Core Training'** – a Program Nomination Form (PNF) is provided at the end of training. Once OAPS reviews your PNF an adoption application package will be sent to you.

**Stage 5: Lodge** a formal application to adopt within 6 weeks of attending the seminar.

**Stage 6: Undergo OAPS assessment**, which includes a range of checks such as health, police, working with children check and referee checks as well as interviews with an adoption assessor.

**Stage 7: Approval decision** is made by OAPS. If your application is approved an approval decision is valid for 4 years.

**Stage 8:** If approved for **Local Adoption or Permanent Care**, you enter the pool of approved adoptive applicants and prepare a profile for consideration by birth parents. Placement occurs if you are chosen as the family best able to meet a child's needs and the birth parent's requests. There is no 'waiting list' or date priority system. If also authorised for permanent care, your profile may also be considered by a DCJ district or agency out of home care staff where a child is in need of a permanent family.

If approved in the **Intercountry Program**, your adoption application is sent to the overseas country for their approval decision. If approved, your application will remain on their waiting list pending an adoption proposal. The decision to place a child for adoption with a family rests with the overseas adoption authorities. Timeframes vary from country to country.

Please note that in both programs, caseworkers are allocated to you and support you while you wait for a child to be matched to your family based on the needs of each specific child or children. An annual review will occur on the anniversary of your approval and a formal re-assessment at the end of the approval period. Intercountry adoption requires a more formal update to the assessment every two years.

**Stage 9:** In the **Local Adoption or Permanent Care** program - **placement of a child** occurs when chosen. In the **Intercountry Program** – **placement of a child** can take up to twelve months from the time a child is matched to your family by the overseas country. The amount of time to travel to the overseas country to meet and pick up your child also varies for each program.

**Stage 10: Post Placement supervision and support** is provided by a DCJ caseworker.

**Stage 11: Order of Adoption** in the NSW Supreme Court (this is not required for all intercountry adoptions). This can take up to 12 months for local adoption and may not occur for children in Permanent Care who have alternative orders made in the NSW Children's Court.

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## Are There Costs for Adoption?

For detailed information about the costs associated with adoption, please refer to the [Adoption Fees and Costs Fact Sheet](#).

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## Is the Department of Communities and Justice the Only Adoption Service Provider?

DCJ is the only agency in NSW that arranges Intercountry adoption placements and is the sole provider of local adoption services in NSW.

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## What is the Next Step?

Telephone Open Adoption and Permanency Services on (02) 9716 3003.

You will have a discussion with a worker who will ask about your family and experiences and determine your suitability. If suitable an Expression of Interest (EOI) form will be sent to you.

In the meantime, for more information visit:

Department of Communities and Justice <https://dcj.nsw.gov.au/children-and-families/adoption>

Intercountry Adoption Australia <https://www.intercountryadoption.gov.au/> for further information on intercountry adoption.

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## How Can I Become an Authorised Foster Carer?

In NSW, people who are not interested in adoption can be authorised as a foster carer and work directly with DCJ or a non government out of home care provider. To find out more about foster care visit:

- Visit [www.myforeverfamily.org.au](http://www.myforeverfamily.org.au) or
- Visit the DCJ website: [www.nsw.gov.au/community-services/foster-relative-and-kinship-care](http://www.nsw.gov.au/community-services/foster-relative-and-kinship-care)