



Government of **Western Australia**
Department of **Communities**



Adoption

Information Booklet



Contents

Frequently Asked Questions	2
Eligibility Criteria and Suitability Requirements for Adoption.	13
Six Stages of Adoption.	16
Adoption Counselling and Support Services.	17

Thank you for your enquiry about adoption

What is adoption?

Adoption in Western Australia (WA) is a service for children, which aims to provide a new family for a child who is unable, for a variety of reasons, to live with their own family. Adoption should only occur in circumstances where there is no other appropriate alternative for the child. The paramount consideration guiding this service is the best interest of the child. Adoption is not about finding children for families but finding families for children.

Adoption is a permanent legal arrangement (granted by an Adoption Order) which severs all legal ties with the birth family and gives full parental rights and responsibilities to the adoptive family. The birth parents no longer have legal rights over the child and they cannot change their mind once an adoption is finalised. The child becomes a full member of the adoptive family; takes their surname and assumes the same rights

and privileges as if born to them, including the right of inheritance. However, raising an adopted child is different in significant ways from raising a child born to you and these are referred to later.

It is the fundamental right of every child to belong to a family. Strong, healthy families need to be able to protect their children and help them to reach their full emotional, physical and developmental potential. Where a child cannot live with their birth family, for whatever reason, society has a duty to provide the child with a permanent alternative which will, as far as possible, maintain the child's cultural and religious heritage. Research shows that generally, adopted children make very good progress through their childhood and into adulthood and compare equally well with children brought up by their birth parents.



Frequently Asked Questions

Who are the children needing adoptive families?

The Department of Communities (the Department) primarily seeks adoptive families for babies born in WA, and for children (generally up to about six years of age) who are citizens of overseas countries with whom Australia has an agreement about adoption. Occasionally there is a need to find adoptive families for children in WA who are over one year, for sibling groups of children or for babies and children with disabilities.

Australia has become an increasingly multicultural society, which means that many of the local children, who require adoptive families, come from a variety of

different cultural backgrounds. Wherever possible, the Department will place a child into a culturally similar family. Occasionally this is not possible so the Department will seek a family who demonstrates that they recognise the importance of respecting and valuing the child's cultural heritage and helping the child maintain a connection to it.

Adoption is not generally accepted as an appropriate placement option within the Aboriginal or Torres Strait Islander (ATSI) culture. Within these cultural groups, the extended family or the child's community will normally take the responsibility for a child who is unable to be cared for by birth parents. The adoption legislation is clear that the adoption of an ATSI child should only occur in circumstances where there is no alternative for that child.





The number of locally born babies needing adoptive families in WA is small, around six to eight children per year on average. The number of overseas children placed for adoption in WA is dependent upon the number of children the particular countries require adoptive families for. There are many children in overseas orphanages who are not legally available for adoption.

The last few years we have seen a significant reduction in the number of requests for adoptive placements from overseas countries. This is the result of increasing numbers of applicants seeking to adopt a child and overseas countries improving social welfare standards resulting in children being able to remain in their own country. It is estimated that six to eight children born overseas will be placed in WA for adoptions each year.

Australia is a signatory to the Hague Convention (the Convention) on the "Protection of Children and Co-operation in Respect of Intercountry Adoption". The Convention provides regulations designed to protect the rights, welfare and interest of the child being adopted. The regulations also encourage that every alternative has been explored for the child to remain in their own country.

Are there other children who require permanent care?

Yes. There are some children in out-of-home care (OOHC) who require permanent homes. The first priority for a child when they come into OOHC is always to safely reunify the child with their parents. If this is not possible within a reasonable timeframe, the next best option is a permanent care arrangement with a family carer, foster carer or other care arrangement.

The Department is seeking permanent homes for children in OOHC who are subject to a Protection Order (until 18); after a period of time the Protection Order (until 18) may be replaced with an Order giving the permanent carers full guardianship of the child (Protection Order – Special Guardianship) and in some cases the permanent carers may be able to apply for an Adoption Order for the child.

For further information about providing a permanent home for a child in care contact the Department's Child and Carer Connection Hub on 1800 182 178.



Who makes the rules about adoption?

In Australia, each State and Territory is responsible for its own adoption legislation. While the overriding principle of the best interest of the child is the same, the rules and regulations differ between States and Territories.

In WA, the legislation governing adoption practice is the *Adoption Act 1994*, the *Adoption Rules 1995* and the *Adoption Regulations 1995*.

The Convention, which came into effect in Australia on 1st December 1998, is part of the *Adoption Act 1994*. The Convention sets out agreed minimum standards and uniform procedures to regulate intercountry adoptions and to prevent the abduction and trafficking of children.

The Department of Social Services in Canberra has primary responsibility for managing intercountry adoptions with other countries.

It is illegal for people to make private arrangements with a view to the adoption of a child, and there are heavy penalties (\$25,000 fine and 2 years imprisonment) for doing so. This is set out in Section 8 of the *Adoption Act 1994*.

Who can arrange adoptions?

In WA, the Department of Communities is the only agency permitted to:

- arrange adoptions;
- provide Schedule One information and counselling to relinquishing birth parents;
- provide relinquishing birth parents with a list of independent counsellors;
- assess and approve prospective adoptive parents;
- arrange intercountry adoptions, liaise with overseas adoption agencies and send adoption assessment reports overseas;
- supervise adoptive placements;
- provide a report to the court for finalisation of an adoption; and
- search records on previous adoptions.





How many adoptive families are on the Register of Approved Applicants?

The number of applicants wishing to adopt a child is always higher than the number of children available for adoption. There are always more applicants wishing to adopt than children in need of adoption.

The Register of Approved Applicants does not operate as a 'waiting list' as it is not the length of time since a family was approved to adopt which determines whether they are chosen as adoptive parents for a particular child.

Do I have to choose between local and intercountry adoption?

When you apply for adoption you can indicate a preference for **both** intercountry and local adoption, or for **either** intercountry or local adoption. If you wish to be approved

for intercountry adoption you will also need to specify a preference for which country your file is sent to (approved adoption applicants can send their file to one overseas country for consideration; wait times vary from country to country).

Who is allowed to adopt?

The *Adoption Act 1994* outlines the eligibility criteria for those wanting to adopt a child. Adoption applicants who are interested in local or intercountry adoption must first meet the suitability requirements set out in the *Adoption Act 1994* and in some circumstances will need to meet additional criteria set out by the individual countries, which are often more stringent.

To assist you to understand the requirements you must meet, please see the Suitability Requirements and Eligibility Criteria section in this booklet.



Can single people apply to adopt?

Yes, single applicants can apply to adopt children born both in WA and from overseas.

However, the options for intercountry adoption are limited due to the criteria of some overseas countries. Locally, relinquishing birth parents make the selection of adoptive parents.

Can same sex couples apply to adopt?

Yes, same sex couples can apply to adopt children born both in WA and from overseas.

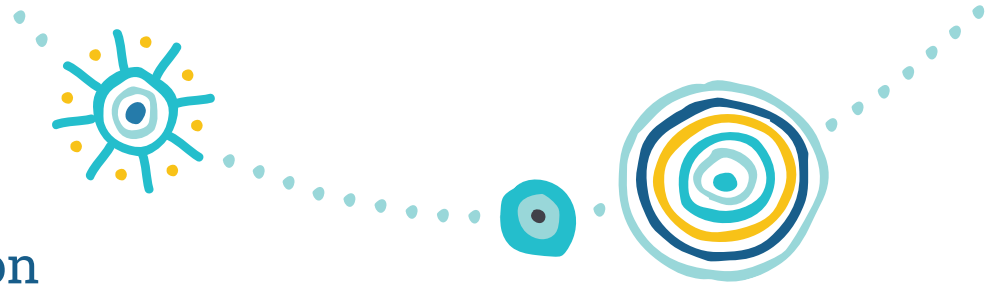
However, the options for intercountry adoption are limited due to the criteria of some overseas countries. Locally, relinquishing birth parents make the selection of adoptive parents.

Can I apply to adopt if I already have children or am undergoing fertility treatment?

You can apply to adopt but at the time of placement of a child for adoption you must not be undertaking fertility treatment. Please note that some overseas countries do have a requirement that applicants are unable to have biological children.

Good practice recommends that an adopted child be at least one year younger than any other child in the family. It is also recommended that any other child should have been in the family for at least two years at the time a child is placed in the family for adoption. At the time of placement for a subsequent adoption any previous adoptions must be finalised.





Are there adoption information and education seminars available to assist applicants considering adoption?

Yes. Applicants are required to attend an introductory Permanency Information Session provided by the Department. This session will provide an overview of both adoption and permanent care. There is no cost for this session. There are also a number of education seminars that the Department requires prospective applicants to attend which will incur a fee. Please contact the Department's Adoption Team for current costs.

Who decides if applicants are suitable to be adoptive parents?

After attendance at the education seminars, you will be required to take part in an intensive assessment process should you choose to continue.

A suitably qualified assessor will interview you a number of times in your home and will prepare a detailed assessment report with a recommendation as to your suitability to be adoptive parents. The assessor will discuss the assessment report and the recommendation with you when it is finished. You will also read the report and be provided with a copy.

The assessment report will be presented to, and considered by, the Adoption Applications Committee (AAC) where a decision will be made about your suitability. There are occasions when the AAC requires further information from the adoption applicant and/or the assessor before a final decision can be made. The AAC does not have responsibility for allocating or placing children with applicants.

The AAC is comprised of officers from the Department and independent panel members who have significant experience and knowledge in areas relevant to adoption.

Is there an age limit to becoming an adoptive parent?

For applicants who do not have parental responsibility for another child, there can be a maximum age difference of 45 years between the prospective adoptive child and the youngest applicant.

For a single person who does not have parental responsibility of another child the age gap cannot be more than 45 years.

For applicants who have parental responsibility for another child, the age differential increases to 50 years.

For a single person who has parental responsibility for another child, the age gap cannot be more than 50 years.

Please be aware that most overseas countries also have their own age criteria.



If I have been approved by the Adoptions Applications Committee (AAC), will a child be placed with me?

There is never a guarantee that a child will be placed with you.

In the majority of cases, the birth parents of a local child will select the adoptive parents themselves from a number of non-identifying profiles presented to them by the Department. If approved by the AAC, you will be asked to complete your own profile if you are considering adoption of a local child.

A local birth parent could select you to care for their child soon after your approval or you could wait a number of years before being chosen. Another reality is that you may never have a local child placed with you.

The length of time to have a child placed from an overseas country differs significantly from country to country but generally, you can expect a significant wait before you are selected. Each country has its own criteria and completes its own matching process. The reality, once again, is that a child may never be placed with you.

How long does the adoption application process take?

On average, a decision will be reached on your suitability to adopt in approximately 12 months from the time of the introductory Permanency Information Session. This timeframe is dependent on a number of factors including your willingness and ability to complete tasks as requested and required documents are forwarded to the Department, correctly completed, and in reasonable timeframes.

However, sometimes the process can take considerably longer if there are personal or medical issues that need to be resolved prior to a decision being made on your suitability.



What are the costs involved in adopting a child?

The administrative and legal costs relating to a local adoption is approximately \$3,000.

The cost for overseas adoption varies from country to country and the majority of the costs are set in the overseas country. Overseas costs may include administrative and legal as well as other expenses relating to overseas travel and accommodation. There is an assessment fee associated with intercountry adoption applications. Please contact the Adoptions Team for the current fees.

The cost of adopting a child from overseas ranges from \$9,000 to \$40,000.



What is open adoption?

An open adoption is one that is not secretive.

In the past it was thought that secrecy and anonymity were in the best interest of all parties to adoption. However over the years, these secrecy provisions have caused distress to those affected by adoption as social attitudes to pregnancy outside of marriage changed, and people affected by adoption began to speak out.

Extensive research found that many adopted people want to know about their original family heritage without necessarily affecting the close relationship with their adoptive family. Research also confirmed that many parents who relinquished their children spent the rest of their lives grieving and wondering what had happened to their child. Adoptive families, it has been found, often lived under the strain caused by the pretence and secrecy they felt compelled to maintain.

The *Adoption Act 1994* recognises the need for people affected by adoption to have access to adoption information. This means that:

- birth parents are encouraged to be actively involved in the adoption process and during the relinquishment process are given information and choices on how much information and contact they want with their child as the child grows up;
- an adopted child has the right to know about their adoption and maintain a link with the birth family; and
- the adoptive parents have a right to information about the child's background and a responsibility to inform the child of the adoption and to encourage the maintenance of a link between the child and their birth family.

The arrangements for open adoption are formalised into an Adoption Plan, which is agreed and signed by the birth parents and adoptive parents.



How can a child remain linked to their birth family?

An Adoption Plan is a legal agreement between birth parents and adoptive parents and sets out any arrangements for information exchange about the child and the birth parents. The Adoption Plan may also set out arrangements for contact between the parties.

Since the establishment of the *Adoption Act 1994*, all parties to an adoption are required to sign an Adoption Plan unless the Family Court has dispensed with this requirement. The Family Court will only dispense with the Adoption Plan under very limited circumstances.

Adoption Plans may be made for an adoption with an overseas agency. This may include meetings with the birth family and exchange of reports and photos.

It is the expectation of many overseas agencies that annual reports are sent on the progress of the children.

Who consents to a child's adoption?

In most cases, before an adoption can take place, the birth parents must consent to the adoption. There are strict rules that apply to the timing and signing of consents. These rules ensure that the person giving consent has received written and verbal information and counselling about adoption and other alternatives to consider.

Can the birth parents change their mind after the Adoption Consent Form has been signed?

Yes, providing the Chief Executive Officer (CEO) of the Department has been notified in writing within the revocation period. The revocation period is often referred to as the 'cooling off' period which comes to an end 28 days following the day that all consents are accounted for or dispensed with.

How old is the child when placed with an adoptive family?

Most locally born children are less than 12 months old at the time of placement. Occasionally, for various reasons such as clarification of a medical issue or legal issues in relation to a birth parent, a child will be older than 12 months at the time of placement. It would be very unusual for an older child or siblings to become available for adoption, however, it has happened in the past. The legislation requires that siblings be kept together wherever possible.

Children from overseas countries vary in ages from babies approximately six months old to children up to the age of six years.

The age of the child depends on the country of origin. Due to the potential increased risk of an adoption placement breakdown in overseas children, the Department will not generally accept an overseas match of a child aged six years and over, however each case is looked at on its merits.

Please note that the AAC will generally approve applicants to care for a child up to a particular age and this may therefore impact on the age of a child who can be placed with approved adoptive parents.



Who is responsible for the child until the Adoption Order is granted?

The birth parents are responsible for the child until all consents have been signed (or dispensed with by the Family Court) and the revocation period has ended. After this time, guardianship of a local child falls to the CEO of the Department of Communities.

For children from overseas countries, where an Adoption Order was not granted in the overseas country, guardianship of those children falls to the Minister for Immigration and Border Protection under the *Immigration (Guardianship of Children) Act 1946*. The Minister will generally delegate guardianship of the child to the CEO of the Department of Communities once the child arrives in Australia.

When the child is placed with their adoptive parents, guardianship remains with either the CEO of the Department of Communities or the Minister for Immigration and Border Protection until such time as the Family Court of Western Australia grants an Adoption Order.

Once an Adoption Order has been granted, the adoptive parents become the legal parents and guardian of the child. Some countries transfer guardianship to the adoptive parents at the time of placement. However, the Department of Communities is required to supervise the adoption family for at least 12 months.

The supervision period generally requires the Department of Communities to visit you and the child at least once per month for a minimum of six months. This supervision period can be extended in some circumstances.



For overseas adoptions the Department of Communities will send reports to the overseas country during this supervision period.

At the end of the supervision period, the Department of Communities will provide a report to the Family Court, which will make a recommendation on whether an Adoption Order should be granted. The prospective adoptive parents can then submit an application for an Adoption Order to the Family Court. For overseas adoptions the consent of the overseas country following the supervision period also needs to be provided to the court.

Some overseas countries require that the adoptive parents continue to send reports on the development of the child for a number of years after the Adoption Order has been granted.

Can I change my adopted child's first name?

Choosing a name for your child is very personal, with parents' feelings, tradition and family values affecting that choice. When naming an adopted child, the same influences exist together with issues of culture, birth parents' wishes and the age of the child.

Today we embrace the concept of open adoption as this has been found to be in the best interests of the child. The child's first name is an important symbol of their past and therefore is a very significant part of their identity. This is recognised in the *United Nations Convention on The Rights of the Child*.

For an overseas child, who may have been named by staff in a foster care institution, it still remains an important link to their heritage and sense of identity. For these reasons, the *Adoption Act 1994* has a principle of retaining the child's first name.

In acknowledging that there may be special circumstances for using an alternate name, applicants are able to seek approval of the Family Court to change the child's first name.



Eligibility Criteria and Suitability Requirements for Adoption

ADOPTION ACT 1994, WESTERN AUSTRALIA

Eligibility Criteria for application

Having received adoption information and lodged an Expression of Interest within 12 weeks of completing all required education seminars you must:

- be 18 or more years of age;
- be a resident or be domiciled in Western Australia;
- if married or in a defacto relationship you must have been married to or in a defacto relationship with the other person for at least three years;
- if married to another person or in a defacto relationship with another person apply as a joint applicant with that person;
- If applying as a single applicant, but previously married or previously in a defacto relationship, you must have been separated from that person for at least 12 months; and
- if applying as a single applicant, you must be an Australian citizen; if applying jointly, both applicants must be Australian citizens, or one of the applicants must be an Australian citizen and the other a citizen of a country which gives the same rights to adopted persons as non-adopted persons in relation to entry into, residence, education and medical care in that country [Section 38 & Section 39 of the *Adoption Act 1994*].

Suitability Requirements to adopt

If invited by the CEO of the Department of Communities to apply for assessment as a prospective adoptive parent you must show that you:

- are physically and mentally able to care for and support a child until the child attains 18 years of age;
- are of good repute;
- have not been convicted of a Class 1 or Class 2 offence and do not have charges pending in respect of a Class 1 or Class 2 offence;
- if applying jointly, have a stable marriage or defacto relationship with the other applicant; and
- show a desire and ability to provide a suitable family environment for the child.

The AAC will have regard to the assessment report and any other relevant information in determining whether or not applicants are suitable for adoptive parenthood (Section 13 of the *Adoption Act 1994*).



Health of applicants:

An evaluation of your health forms part of the assessment process. You will be required to undergo a medical examination by your General Practitioner who will complete a medical report. The medical report will be considered by a representative of the Adoptions Medical Panel (Medical Panel). The representative may ask for further medical information to be obtained by you from treating specialists, for their consideration. Your medical information may be referred to the full Medical Panel for a recommendation if required. The Medical Panel will make a recommendation to the AAC that you are medically suitable to adopt a child, or may recommend that you are not medically suitable to adopt a child. The *Adoption Act 1994* says that suitable applicants must be “physically and mentally able to care for and support a child until the child attains 18 years of age”.

Please note: the Medical Panel makes a recommendation only; but the AAC makes the final decision to find you suitable or not to adopt.

If you currently have or have previously had significant health issues and/or have a Body Mass Index over 35, you may wish to complete the health assessment prior to commencing the adoption education sessions. This will allow you to find out early in the process if the Medical Panel would recommend you as being medically suitable to adopt or not, and you can make a decision if you would like to continue.

If you think this may apply to you please contact the Information Officer for the Adoptions Team to discuss.

Please note that many overseas countries have more stringent health requirements than WA, and even if approved to adopt in WA, an overseas country may not accept your application due to particular health concerns. Please check the criteria of the various countries thoroughly if you intend to adopt from an overseas country and if you have health issues. For information on partner countries and their eligibility criteria, please visit www.intercountryadoption.gov.au.

This summary is a guide only. The *Adoption Act 1994* and *Adoption Regulations 1995* contain all the criteria in relation to adoption in WA. If you have any questions, please contact the Department’s Adoption Team.



Requirements for overseas countries:

You can apply to adopt a child from countries which the Australian Government has an active intercountry adoption arrangement. Currently, Australia has active arrangements with a number of countries; these are referred to as partner countries. For information regarding partner country requirements, please visit:

www.intercountryadoption.gov.au/thinking-about-adoption/countries



Criteria for the placement of a child with approved applicants

At the time of **placement**, you must:

- be approved as a suitable adoptive applicant;
- meet, as far as is practicable, the wishes of the birth parents (generally for local adoption);
- in the case where the prospective adoptive parent(s) do not have parental responsibilities for another child, the younger applicant to be no more than 45 years older than the child to be placed;
- in the case where the prospective adoptive parent(s) have the parental responsibilities for another child, the younger applicant to be no more than 50 years older than the child to be placed;
- continue to be in a stable marriage or defacto relationship;
- meet, if relevant, the child's wishes;
- recognises the value of, and need for, cultural and religious continuity for the child;
- not be undertaking treatment for fertility;
- be matched with a child that is consistent with the AAC suitability approval;
- be matched with an Aboriginal or Torres Strait Islander child in accordance with the Aboriginal or Torres Strait Islander placement for adoption principle in Schedule 2A, if this is consistent with the parents' wishes; and
- have finalised the adoption of any other adopted child in the family.



Six Stages of Adoption

Stage 1 – Enquiry & Information Session	Provides you with basic information to assist you in deciding if you want to continue to apply for adoption.
Stage 2 – Education Seminars	<p>Designed to assist you in deciding if you are able to provide for the special care needs of a child who is in need of an adoptive family and to gain a better understanding of the complex nature of adoption. This more thorough understanding will assist you during the assessment process.</p> <p>If, after completing the Education Seminars you wish to continue, then you can lodge an Expression of Interest Form to adopt.</p>
Stage 3 – Application, Assessment & Approval	The Department formally invites you to apply to adopt. Once this occurs you will need to provide specific information to the Department to confirm that you meet the Eligibility Criteria. You will then participate in an intensive assessment process. This assessment process will determine if you are suitable to adopt (approved to adopt).
Stage 4 – Waiting & Matching	The time between being approved as 'suitable to adopt' by the AAC and the placement of a child. You will be completing your adoptive parent profile (local) and/or homestudy (intercountry) in preparation for a possible match to a child in need of an adoptive placement.
Stage 5 – Placement & Supervision	At this stage a child will be placed with you and the Department is required to provide supervision and support (if required) to you over a six-month period. As with all families, this time is likely to be one when new issues arise and adoptive parent(s) are encouraged to seek support. The reason for this requirement is to ensure that the placement progresses well for the child as well as for the adoptive parent(s).
Stage 6 – Application for Adoption Order	<p>Upon completion of the supervision period, the Department will provide a report for the Family Court making a recommendation on whether an Adoption Order should be granted. The decision to grant an Adoption Order is the responsibility of the Family Court.</p> <p>*Please note that this is for local adoptions and intercountry adoptions where the overseas country has not issued an Adoption Order in the country of origin.</p>

Adoption Counselling and Support Services

Adoption Research & Counselling Service Inc.

Adoption Research & Counselling Service Inc. (ARCS) was founded in 1984 in response to Dr Robin Winkler's pioneering research into relinquishment and adoption. Dr. Winkler's research recognised adoption as a lifelong experience with unique and ongoing challenges for all parties to the adoption - birth parents, adopted people and adoptive parents. His vision for ARCS was to provide safe and specialist services whilst recognising and respecting all affected by adoption.

Website: www.adoptionwa.org.au

Email: contact@adoptionwa.org.au

Phone: (08) 9370 4914

Adoption Jigsaw

Adoption Jigsaw was founded in Perth, Western Australia in 1978, and provides search, mediation and counselling services to anyone involved in adoption and/or separated from family through fostering, stepfamilies or reproductive technologies.

Website: www.jigsaw.org.au

Email: jigsaw@jigsaw.org.au

Phone: (08) 9328 4000





Adoption Support for Families and Children

Adoption Support for Families and Children (ASFC) is a voluntary, non-profit organisation whose membership is made up of prospective adoptive parents (PAPs), adoptive families and adult adoptees. They aim to aid, assist and support prospective and post adoptive families in WA through information sharing, education and community, government and sector engagement.

Website: www.iacaustalia.org/adoption-support-for-families-and-children-asfc

Email: infoasfc@yahoo.com.au

Phone: (08) 9489 4008

Lifeworks

Lifeworks in partnership with International Social Service Australia provide the Intercountry Adoption Family Support Service. The service includes free counselling and information and support services to assist you through the process of intercountry adoption and beyond.

Website: www.lifeworks.com.au/icasupport

Email: icasupport@lifeworks.com.au

Phone: 1300 543 396

Department of Social Services

The Department of Social Services (DSS) is Australia's pre-eminent social policy agency. Their mission is to improve the lifetime wellbeing of people and families in Australia.

Website: www.dss.gov.au

Phone: 1300 653 227

**For further information,
contact the Department of Communities' Adoption Team:**

Telephone: (08) 9286 5200

Free call: 1800 182 178

Email: adoptions@communities.wa.gov.au

Website: www.communities.wa.gov.au



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