

Queensland and intercountry adoption handbook

Information for people considering adoption

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Understanding adoption

What is adoption?

Adoption establishes a permanent legal relationship between a child and his or her adoptive parent, and dissolves the legal relationship between the child and the birth family. Adoption also transfers the legal rights and responsibilities of parenthood from a child's birth parents to the child's adoptive parent/s.

The Department of Child Safety, Youth and Women, through Adoption Services, is responsible for providing services in Queensland to:

- parents considering adoption for their children
- children requiring adoptive families
- people seeking to adopt children
- people seeking information or to lodge a contact statement for a past adoption

In Queensland, an Adoption Order is made by the Childrens Court where it is satisfied that adoption will meet the wellbeing and best interest of the child, and provide the child with a safe and permanent family.

Queensland adoption legislation

The *Adoption Act 2009* (the Act) and the *Adoption Regulation 2020* (the Regulation) provide for adoption in Queensland.

The Act is administered under the guiding principal that the wellbeing and best interests of an adopted child, from childhood to adulthood, are paramount in all adoption matters.

The Act complies with Australia's obligations under the United Nation Convention on the Rights of the Child (UNCROC) and the Hague Convention.

Privately arranged adoptions, and attempts to arrange a private adoption, are unlawful in Queensland and cannot be recognised under the provisions of the Act. Penalties apply to people who attempt to make such arrangements.

Adoption information sessions

Adoption Services holds information sessions in Brisbane to explain the Queensland and intercountry adoption programs, adoption trends, legislation and processes, and overseas country information (including eligibility and other requirements and the needs of children requiring adoptive families through intercountry adoption).

If you are lodging an adoption expression of interest, you are encouraged to attend an information session.

A series of videos has been developed by Adoption Services to provide an accessible way for people, who are unable to attend Brisbane information sessions, to make informed decisions about adoption. The series includes real life adoptive parents sharing their experiences with local and intercountry adoption programs, information about the realities and challenges of adoption and the adoption process.

More information about attending an information session or viewing the videos can be found on the Queensland Government website www.qld.gov.au/adoption



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Expression of Interest Register

The Expression of Interest Register contains the names of people who have expressed interest in having their suitability to be an adoptive parent assessed, and who meet Queensland eligibility criteria. Adoption Services selects people from the register to assess their suitability to be an adoptive parent.

Your name may only be entered in the Expression of Interest Register if you meet the eligibility criteria. The *Adoption Act 2009* requires Adoption Services to keep this register.

If your name is listed in the Expression of Interest Register, it does not mean that you will automatically be selected to have your suitability to be an adoptive parent assessed.

Making an expression of interest to adopt a child through the Queensland or intercountry adoption programs

To make an adoption expression of interest, you must complete an Expression of Interest form. An expression of interest can only be made using the form available from Adoption Services or from the Queensland Government website www.qld.gov.au/adoption

Submitting an expression of interest does not require a payment.

Information about completing the Expression of Interest form is available from the Queensland Government website www.qld.gov.au/adoption

In completing your expression of interest, you can nominate whether you wish to be assessed for suitability to be a suitable adoptive parent for the Queensland or intercountry adoption programs, or both.

If you express interest in both adoption programs, you may only be selected for assessment for one program. You should only express interest in both programs if you do not have a particular preference for an adoption program.

Nominating countries for the intercountry adoption program

In deciding on a program it is important to list only countries that Queensland has a program with and for which you meet the particular country's eligibility requirements. Please indicate your preferred country or countries. It is important to also note that you could be selected for any of the countries for which you are eligible. To express an interest in being assessed for suitability to be adoptive parents for a child from an overseas country, people must also meet Queensland eligibility criteria.

Eligibility criteria specified by adoption authorities in overseas countries are often more restrictive than in Queensland. Although people may be eligible to have their names entered in the Expression of Interest Register in Queensland, they will not be selected for assessment unless they meet the overseas country's eligibility criteria.

The total cost of adoption from an overseas country can range from \$15,000 to \$40,000. You will be asked to demonstrate that you have the financial resources to meet the expenses for an intercountry adoption if you are selected from the Expression of Interest Register for assessment to be suitable adoptive parent/s. These costs also can increase unexpectedly.

For information about the intercountry adoption programs that Australia participates in, go to the Intercountry Adoption Australia website www.intercountryadoption.gov.au. It is also important that you read information about intercountry adoption on the Attorney-General's Department website www.ag.gov.au

Caring for a child during the first year of placement

It is generally in the child's best interest to receive full time personal care from one or both prospective adoptive parents in the first year of the child's placement.

You will be asked to show that you are aware of this requirement when you complete the Expression of Interest form.

Other adult household members

If you are selected for assessment to be a suitable adoptive parents, all other adults who reside in your household will be required to sign the Expression of Interest form giving consent for Adoption Services to conduct personal history checks.

Other adult household members are subject to the same personal history check (including criminal, domestic violence, child protection and traffic history) as the person/s who have expressed interest in having their suitability to be adoptive parents assessed.

If an adult member of your household does not give consent to a personal history check, Adoption Services cannot enter your names in the Expression of Interest Register. If an adult joins the household after you have expressed interest and been selected for assessment, they will be required to provide consent to Adoption Services that they agree to participate in the assessment and for a personal history check to be undertaken.

If an assessment has commenced, it cannot continue if an adult joins your household and does not give consent to their personal history being checked by Adoption Services.

Meeting eligibility criteria

Your name may only be entered in the Expression of Interest Register if you meet the following eligibility criteria:

- You are an adult who is a resident in Queensland.
- You or your partner (if applicable) are an Australian citizen
- You are not pregnant.
- You are not an intended parent under a surrogacy arrangement within the meaning of the *Surrogacy Act 2010*. If you have been an intended parent for a surrogacy arrangement within the meaning of the *Surrogacy Act 2010*, the arrangement ended more than six months earlier.

- You do not have custody of a child under one year of age, or who has been in your custody for less than one year (this does not include custody of a child in your care as an approved carer under the *Child Protection Act 1999*).

Your name will remain in the Expression of Interest Register for two years before your expression of interest expires, unless you have been selected for assessment.

You must continue to meet the eligibility criteria for your name to remain in the register.

If you are not selected for assessment and your expression of interest expires, Adoption Services will inform you that your name will be removed from the register. You may wish to submit a new expression of interest. This ensures that the Expression of Interest Register only contains the names of people who are committed to the adoption process.

Sometimes, Adoption Services may need to close the Expression of Interest Register if the number of people in the register significantly exceeds the need for adoptive parents for the Queensland or an intercountry adoption program. If the register is closed, expressions of interest cannot be received until the register is re-opened. You can call Adoption Services on **3097 5100 or 1800 647 983** (free call within Queensland) to find out if the register is closed.

Advising Adoption Services of new or changed information

If your names are in the Expression of Interest Register, you must advise Adoption Services if there is a change in your circumstances, as this may affect your eligibility or suitability.

You can change the information provided in your Expression of Interest form after your name has been entered in the Expression of Interest Register. This includes changing the overseas country that you have nominated or your preferences for the characteristics of a child you believe you have the capacity to parent.

Changes to your information or your preferences must be provided to Adoption Services in writing.



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Removing a person's name from the Expression of Interest Register

Your name may be removed from the Expression of Interest Register if you:

- give Adoption Services false or misleading information
- do not provide Adoption Services with information within the requested timeframe to assess your eligibility or suitability
- do not notify Adoption Services of changed or new information that is relevant to your eligibility.



Selection for assessment of suitability to be an adoptive parent

Each year, Adoption Services considers the anticipated needs of children requiring adoptive families for both the Queensland and intercountry adoption programs and selects people from the Expression of Interest Register to be assessed for suitability to be an adoptive parent. The number of people to be assessed is determined by the anticipated need for adoptive parents and the characteristics and needs of children requiring adoptive families. Adoption Services considers:

- historic information and trends about placement requirements
- information from overseas countries about likely placement needs. This may include quotas or other restrictions specified by the overseas adoption authorities on the number of files they will accept at a particular time.
- the number and characteristics of people in the Suitable Adoptive Parents Register

- the characteristics of children who will require an adoptive family, such as their age, social and cultural backgrounds and any particular medical needs
- birth parent preferences for the child's upbringing, such as religion, characteristics of the adoptive parents, and the degree of openness and contact in the adoption arrangement.
- the placement needs of children for the intercountry adoption program, as determined by the overseas adoption authorities.

In selecting people for assessment for both the Queensland and intercountry adoption programs, priority may be given to:

- a person with the same ethnic background as the child to be adopted
- a person who has previously adopted a child with similar placement needs
- a person with the earliest relevant expression of interest.

If you are selected for assessment you will receive a notice of selection for assessment, information about fees and the assessment process.

If you accept to be selected for assessment, you will need to pay the prescribed assessment fee to Adoption Services. You will also be asked to give consent to Adoption Services to undertake personal history checks.

Assessment fees and costs

Your name will be removed from the Expression of Interest Register if you do not pay the fee, within the required timeframe, once you have been sent a notice of your selection assessment.

Adoption assessment fees are prescribed in the Regulation, and increase on 1 July each year in line with the Consumer Price Index.

Information about current adoption assessment fees is available on the Queensland Government website www.qld.gov.au/adoption

Selection for assessment to meet the needs of a particular child

If there are no people in the Suitable Adoptive Parents Register who can meet the needs of a particular child, Adoption Services will invite a couple or person to be assessed as suitable to be an adoptive parent for the child. This may be where the child has a sibling or siblings who have previously been adopted, or approved carers of children with complex medical needs or unique cultural needs. Adoption Services may also consider people in the Expression of Interest Register.

The assessment process

If you are selected for assessment, you will be assessed to determine if you meet the suitability requirements. Your name can only be entered in the Suitable Adoptive Parents Register if you are favourably assessed to be a suitable adoptive parent.



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The assessment process is comprehensive. Adoption Services gathers information from a range of sources to determine your suitability to be an adoptive parent, including:

- seeking expert advice about your health
- obtaining information from relevant government departments about any criminal and domestic violence history, child protection history, traffic history and certain investigative information from the Queensland Police Service
- asking you to attend education sessions
- requesting references from your nominated referees
- asking you to complete documents, for example, a profile of your family, a financial statement and a placement consideration form
- undertaking home study interviews, which are conducted by an Adoption Officer or Adoption Contract Worker.

Assessment considerations

The first stage of your assessment as suitable adoptive parent involves:

- personal history checks (criminal, domestic violence, traffic history and child protection history) for you and all adult household members to ensure there is no unacceptable risk of harm to a child
- health checks to determine whether you can provide stable, high level care for a child until they reach adulthood.

Adoption Services can decide at this point if you are not suitable to be an adoptive parent and end the assessment without considering any other aspects of your suitability.



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- cultural matters where a child has a particular ethnic or cultural background, for example, if the child is to be placed through intercountry adoption or is of Aboriginal or Torres Strait Islander heritage.

In considering your suitability to be an adoptive parent of a child from a particular ethnic or cultural background (for Queensland or intercountry adoption), the assessment also includes your ability and willingness to:

- understand the child's background
- help the child to maintain contact with his or her community or language group
- help the child develop and maintain a connection with his or her ethnicity or culture
- preserve and nurture the child's sense of ethnic or cultural identity
- continue to learn about, and help the child learn about his or her country and culture.

If the assessment continues, Adoption Services will ask you to participate in home study interviews to gather more detailed and personal information to complete the assessment of your suitability to be an adoptive parent.

Adoption Services will consider your:

- general capacity to be an adoptive parent including your motivation and expectations, emotional and psychological capacity, financial stability and capacity, and anything else relevant to provide for a child's emotional, physical, educational, recreational and social needs, and keep the child safe from harm.
- character
- relationship, for couples, including stability.
- adjustment to, and acceptance of infertility, including feelings of grief and loss
- attitudes to children and parenting, including understanding issues associated with parenting, the physical and emotional development of children and responsibilities of parenthood
- understanding adoptive parenting, including the significance of birth parents and their families to an adopted child, the benefits of open adoption and communication, and the importance of talking to a child about their adoption

The home study assessment involves a minimum of four to five interviews generally in your home, and you will be interviewed together and separately (if you are a couple). Other adult household members and children in your household will also be interviewed (if it is considered appropriate for the child's age and developmental stage). Further interviews will be arranged, if required.

The home study assessment enables Adoption Services to make a final decision about your suitability. Before the final suitability assessment report is completed, a preliminary suitability assessment report will be provided to you for comment. The report will include a recommendation whether you are suitable to be an adoptive parent. Your comments are considered before the report is finalised and the decision is made about your suitability.

If you are assessed and found to be suitable to be an adoptive parent, your name will be removed from the Expression of Interest Register and entered in the Suitable Adoptive Parents Register.



Image: (Stockphoto/Justin Horrocks)

Suitable Adoptive Parents Register

The Suitable Adoptive Parents Register contains the names of people who have been favourably assessed as suitable to be an adoptive parent.

For the Queensland adoption program, Adoption Services considers all people entered in the Suitable Adoptive Parents Register to determine which person best meets the needs of the particular child requiring an adoptive parent.

For people who have expressed an interest in intercountry adoption and have been entered in the Suitable Adoptive Parents Register, Adoption Services prepares your file to be sent to the overseas adoption authority.

If the particular country that your file is to be sent to has a quota on the number of files that can be sent in one year, Adoption Services will talk with you about when your file will be sent. Adoption Services will also inform you if there are any changes by the overseas adoption authority that could impact on your file being sent or accepted.

Reviewing your eligibility and suitability

Adoption Services will conduct a review of your eligibility and suitability two years after your assessment as suitable to be an adoptive parent.

Health reports and personal history checks remain current for two years. You will be required to update your health information to ensure it remains current. Adoption Services will also update your personal history checks after two years.

If you continue to meet the Queensland eligibility requirements, you will be invited to meet with an Adoption Officer or an Adoption Contract Worker to discuss your continuing motivations and expectations of adoptive parenting; advise of any changes in your lifestyle, finances, employment or home environment; provide information about reading and research you have undertaken; and talk about placement considerations, trends and any changes to your nominated adoption program. A new Household Safety Study will also be completed.

Re-assessment of your suitability

Your suitability may be re-assessed if:

- new information becomes known, or there is a change in circumstances which affects your suitability, for example relocation to a new address
- it is necessary to meet the requirements of an overseas adoption authority
- further information is required about your suitability to be an adoptive parent for a child with particular characteristics
- a period of time has passed since your last assessment.

The scope of the re-assessment may include all of the considerations for deciding suitability, or may focus on particular matters.

Removing a person's name from the Suitable Adoptive Parents Register

A person's name must be removed from the Suitable Adoptive Parents Register if:

- a Final Adoption Order is made in Queensland or when an Adoption Order made in an overseas country is recognised in Queensland
- a request is made in writing to have your name removed from the register
- a decision is made that you are unsuitable to be an adoptive parent after re-assessment
- a decision is made that you are no longer eligible to have your names entered in the Suitable Adoptive Parents Register
- false or misleading information is given
- Adoption Services is not provided with information within the required timeframe to determine your ongoing eligibility or suitability
- Adoption Services is not notified of changed or new information that is relevant to your suitability to be an adoptive parent.



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The Queensland adoption program

Number of children requiring adoptive families

While it is difficult to estimate the number of children who may require adoptive families, a small number of children continue to be adopted in Queensland each year.

Information about the number of children adopted in Queensland and Australia can be found on the Australian Institute of Health and Welfare website www.aihw.gov.au

Meeting children's needs

Each child has unique needs depending on their social and medical backgrounds, and may have cultural or ethnic differences to their adoptive families. For example, a child with a disability may also have birth parents from one or more cultural backgrounds. There may be a history of mental illness, an unknown birth father, or there may be siblings in the family who are in the child protection system.

Children requiring adoptive placements in Queensland are generally not older than two years, with most children being aged between six and 15 months at the time of placement. Children with complex health needs are often older than 12 months.

Children requiring adoptive placements may have a range of medical needs including:

- prematurity
- Hepatitis
- minor, moderate or severe medical and/or physical conditions such as Down Syndrome, Cerebral Palsy, Spina Bifida and other disabilities
- minor or moderate medical conditions as a result of exposure to alcohol or illicit substances during pregnancy, or severe medical and/or physical conditions resulting from foetal alcohol syndrome, or neonatal abstinence syndrome
- diagnosed medical conditions that are treatable, but will be lifelong, such as heart, kidney or lung conditions, talipes, visual or hearing impairment.



Image: Fevripitch / Thinkstock

Children may have complex family and social backgrounds including:

- a range of different cultural backgrounds or unknown cultural background
- history of alcohol and drug abuse
- history of mental health issues
- conception resulting from sexual assault
- an unknown birth parent
- siblings who are not adopted

Open adoption

The *Adoption Act 2009* recognises that it is in a child's best interest to have ongoing contact with his or her birth family and exchange information to maintain their sense of identity and cultural heritage, where appropriate.

In Queensland, Adoption Services assists parties to an adoption to exchange non-identifying and identifying information, and have personal contact with one another, to the extent that all parties agree. The paramount consideration in deciding whether or not to have an open adoption arrangement is what is in the child's best interest.

Birth parents and adoptive parents are encouraged to negotiate an adoption plan outlining their views and wishes for the degree of openness they will have with each other. Queensland adoption laws and policies include safeguards to protect the interests of all of the parties, particularly the adopted child, in this process.

Open adoption allows a child, the adoptive parents and birth parents to know each other and the circumstances of the adoption. There can be different degrees of openness in the adoption arrangement, and this can change as the child grows older.

The *Adoption Act 2009* supports open adoption by making provision for Adoption Services to:

- develop an adoption plan with the birth parents and prospective adoptive parent about the degree of openness, once the child's adoption is finalised
- provide identifying information to each party about the other party, at the time the Final Adoption Order is made (if agreed by all parties)
- contact a party to an adoption on behalf of another party before the adopted child turns 18 years old to discuss their interest in exchanging identifying information.

As the adoptive parent is the legal parent of the child, open adoption is about enabling the child to maintain connections and gain an understanding of his or her identity. It is not about co-parenting.

Adoptive parents who are comfortable with having an open adoption arrangement have positive relationships with their child's birth parents, and communicate more openly with their child about adoption.

For more information about open adoption, refer to the information sheet *Understanding open adoption* which is available on the Queensland Government website www.qld.gov.au/community/caring-child/considering-adoption-for-your-child

Adoption plan

An adoption plan is developed to support an open adoption arrangement between the child's birth parents and adoptive parents, either before or after an Adoption Order is made, to the extent that all parties agree.

It contributes to meeting the child's needs by encouraging parties to consider the child's best interest and wellbeing, and supports the child's right to information about his or her birth family.

If an adoption plan is not negotiated at the time of an Interim or Final Adoption Order, it can be developed at a later time.

An adoption plan may include agreement on:

- when and how often the adoptive parent/s and birth parent/s will communicate with each other
- how the adoption parties will communicate with each other (for example, through Adoptions Services' Mailbox Service or in another non-identifying way)
- what information will be exchanged (such as the child's development, important events in the child's life, a medical condition, or the medical history of the child's birth family)
- a commitment by the adoptive parent to inform the child about the circumstances of the adoption.

An adoption plan is not legally enforceable and does not alter the adoptive parent's role as the child's only legal parent. It cannot prevent, restrict or control the movement of a party (for example, requiring the adoptive parent to always live in a particular part of Queensland close to the child's birth family), and it does not entitle a member of the birth family to interfere in the child's upbringing.

However, an adoption plan is mandatory and must be agreed to before an application for a Final Adoption Order is made, in cases where:

- the birth parents and prospective adoptive parents wish to have face-to-face contact with each other
- a Child Protection Order is, or has been, in place for the child
- the prospective adoptive parents are not from the same Aboriginal or Torres Strait Islander community or language group as the child.

There are no circumstances in which it is compulsory for an adoption plan to be negotiated for a child who was adopted under the *Adoption of Children Act 1964*. This Act was repealed on 1 February 2010 when the *Adoption Act 2009* was enacted.

While adoption plans are usually only developed for Queensland adoptions, they can be written for adoptive parents and birth parents of a child adopted through intercountry adoption especially if in-person contact is being considered.

For more information on adoption plans, refer to the information sheet *What is an adoption plan?*, which is available from the Queensland Government website www.qld.gov.au/community/caring-child/considering-adoption-for-your-child

The Mailbox Service

The Mailbox Service is provided by Adoption Services to enable birth parents and adoptive parents to exchange non-identifying information with each other, such as letters, cards or small gifts.

The child can use the Mailbox Service with the adoptive parent's consent. Extended members of the birth family, such as grandparents, can also correspond through the Mailbox Service, with the birth parent's consent.

The *Adoption Act 2009* allows for the exchange identifying information during an Interim adoption period.

However, once a Final Adoption Order is made, birth parents and adoptive parents can use the Mailbox Service to exchange identifying information. In this case, the parties may choose to correspond directly with each other, rather than through the mailbox, as the child grows older

For more information about the Mailbox Service, refer to the information sheet *Using the Mailbox Service – information for adoptive parents, birth families and people who have been adopted*, which is available on the Queensland Government website www.qld.gov.au/community/caring-child/post-adoption-support-services



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Selecting prospective adoptive parent/s for a child

Selecting prospective adoptive parents for a child in Queensland

Adoption Services is responsible for placing children from Queensland with adoptive families, and selects the couple who will best provide for the child's wellbeing and long-term care.

In selecting the people from the Suitable Adoptive Parents Register, Adoption Services considers:

- **the child's needs** — each child has unique needs to be met, including his or her health, existing or potential medical conditions or disabilities, social, cultural and education needs.
- **birth parent preferences** — birth parents can express preferences for their child's adoptive family, such as the characteristics of the adoptive family and the degree of openness in the adoption arrangement. Birth parents are also invited to view de-identified profiles of prospective adoptive parent/s and participate in the decision making about which person/s may be best able to meet the long-term care of their child.
- **placement with siblings** — if the child has a sibling who is to be adopted or has been adopted, it is generally in the child's best interest to be placed with his or her sibling.
- **other children in the prospective adoptive family** — it is generally in a child's best interest to be the youngest child by at least two years at the time of placement, and for no other child to join the family (whether by birth, adoption or in another way) for at least one year after the placement.
- **characteristics of the adoptive couple** — your willingness and capacity to parent a child with specific needs, and the extent to which you meet the preferences expressed by the birth parents.
- **initial period of personal care by adoptive parents** — it is generally in the child's best interest if one adoptive parent can provide full-time care of the child for the first 12 months of placement.

Selecting prospective adoptive parents for an Aboriginal or Torres Strait Islander child

The *Adoption Act 2009* respects Aboriginal tradition and Islander custom and does not promote adoption as an appropriate option for the long-term care of an Aboriginal or a Torres Strait Islander child. However, a parents and guardians of an Aboriginal or a Torres Strait Islander child can and may voluntarily consent to adoption for his or her child.

The Aboriginal and Torres Strait Islander Child Placement Principle recognises the importance of Aboriginal and Torres Strait Islander children being cared for by their own families and communities wherever possible, and remaining connected to their family, community and culture.

The Child Placement Principle guides Adoption Services in deciding where an Aboriginal or Torres Strait Islander child should live if he or she requires an adoptive parent/s.

In selecting a prospective adoptive parent/s for an Aboriginal or Torres Strait Islander child, Adoption Services considers the following people, in order of priority:

- a member of the child's community or language group
- another Aboriginal person or Torres Strait Islander who is compatible with the child's community or language group
- another Aboriginal or Torres Strait Islander person.

In selecting a person to be an adoptive parent/s for an Aboriginal or Torres Strait Islander child, other matters are also considered by Adoption Services, including the child's health and educational needs, preferences expressed by the child's birth parents, and the characteristics and capacity of prospective adoptive parents to meet the child's wellbeing and best interest.

Selecting prospective adoptive parents for a child born overseas

Children adopted from overseas have unique needs, such as language, cultural, social and medical needs, and other ethnic differences that are different to their new families.



Image: iStockphoto/jean-philippe Waller

Many intercountry adoption programs often require adoptive families for older children. Younger children who have minimal health needs are now being adopted or cared for by families from their countries of origin.

Intercountry adoption programs are indicating a need for prospective adoptive parents who will consider adoption of older children with complex medical, social or behavioural backgrounds, such as:

- health problems ranging from minor and correctable to complex conditions requiring ongoing treatment or intensive specialist interventions
- mild to severe developmental and learning delays
- disordered attachments or attachment difficulties resulting from broken or inconsistent care arrangements and traumatic pre-adoptive experiences
- complex family and social backgrounds (including abuse)
- physical and intellectual disabilities.

In some cases, a child may have been abandoned and little information will be known about their circumstances prior to adoption. These children will have no family medical history and their ages may have been estimated.

The majority of children are more than two years of age, with some children being of school age. The trend over the last few years has seen an increase in the ages of children requiring intercountry adoption.

If you are favourably assessed as suitable to be an adoptive parent, your file is sent to the overseas adoption authority to consider your capacity and suitability to meet the needs of children requiring adoptive families. Adoption Services will talk with you about the process and placement considerations by your nominated overseas country adoption program, and relevant aspects of the Hague Convention and immigration laws.

Providing your file to an overseas adoption authority does not mean that you will be accepted by the overseas adoption authority, or selected as a prospective adoptive parent for a child.

Adoption Services will talk with you about the overseas adoption authority's process for accepting your file and anticipated timeframes. This varies between the overseas country programs, and information provided is subject to change. Your file may be held by the overseas adoption authority for a considerable period of time and there is no certainty that you will be placed with a child.

The selection of a people as prospective adoptive parents for a child is at the discretion of the overseas adoption authority.

If an overseas adoption authority makes a decision to select you as a suitable prospective parent for a child (and Adoption Services supports this decision), you will be provided with all available de-identified information about the child requiring an adoptive placement. This information is provided to help you decide whether to accept the placement proposal.

Accepting a placement proposal

Queensland adoption

If you are selected as a prospective adoptive parent for a child from Queensland, you will receive a placement proposal from Adoption Services that includes all relevant non-identifying information about the child's needs, characteristics, the birth parent's placement preferences and circumstances.

Adoption Services will talk to you about the placement proposal to help you decide whether you can meet the child's needs and accept responsibility as the adoptive parent. The discussion will include:

- the child's health and medical needs, social and cultural needs, background history and information about their birth family
- developing an adoption plan
- making arrangements to provide full-time personal care of the child for the first 12 months of placement
- the child's given name by the birth parents, and any considerations for the child's name when the Final Adoption Order is made
- birth parent preferences including open adoption and the exchange of correspondence through the Mailbox Service.

You are entitled to decline the placement proposal. Adoption Services will discuss the reasons for your decision and provide support.

If you accept the placement proposal, you will need to complete an Acceptance of Placement form. Adoption Services will discuss arrangements for meeting the child and the anticipated timeframes, and will make an application to the Childrens Court for an Interim Adoption Order.

A prospective adoptive parent can only take custody of the child once an Interim Adoption Order is made. At this time, the prospective adoptive parent will meet the child. Adoption Services will supervise your meeting with your child, which will take place over a number of days depending on the child's age and stage of development.

If the child is placed with carers in a regional area, Adoption Services will support the local child safety service centre in making the arrangements for you to meet the child.

Intercountry adoption

If a placement proposal is made by the overseas adoption authority, Adoption Services reviews the information provided about the child and seeks a recommendation from the Adoption Services' medical consultant. Adoption Services considers your capacity to meet the child's needs before deciding whether to support the placement proposal.

If Adoption Services supports the placement proposal, you will be provided with all available de-identified information about the child to help you decide whether to accept the placement proposal.

As with Queensland adoption, you are entitled to decline a placement proposal. If you decline the placement proposal, Adoption Services will advise the overseas adoption authority, provide support and may undertake further assessment to understand your expectations about adoption and future intentions.

Adoption Services will explain the process by the overseas adoption authority for declining a placement proposal. This could include returning your file to Queensland or retaining your file for further consideration.

If you accept a placement proposal, a number of arrangements need to be made before the child can be placed with you, including:

- working through complex medical issues or care arrangements for the child
- finalising legal and administrative processes in the child's country of birth, including board approvals. For some overseas adoption authorities, this may also include the need to travel to the country for an initial court hearing
- arranging a medical examination and clearance of the child's immigration to Australia, and the issuing of the child's visa
- receiving the child's passport from the overseas adoption authority
- completing a travel itinerary that meets the requirements of the overseas adoption authority.

The processes and requirements, including travel requirements, vary for each country and are subject to change. Adoption Services will provide information about the particular processes and steps that need to be completed to finalise the child's adoption. All communication with the overseas adoption authority is by Adoption Services. It is important that this protocol is respected.

Once the arrangements are finalised, Adoption Services will advise you about the travel arrangements to meet and take custody of the child, and address any further formal requirements of the overseas adoption authority.

It is important that all prospective parents travel to meet their child. This allows the child to meet his or her adoptive parent in familiar surroundings, and enables the adoptive parent to experience their child's culture and meet the carers who have played a significant role in their child's life.

For prospective adoptive parents who travelled to the overseas country for the first court hearing, this will be the second meeting with their child.



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Roles and responsibilities

Custody and guardianship

Custody and guardianship responsibilities change during various stages of the adoption process. It is not until a Final Adoption Order is made that both the custody and guardianship of a child is transferred to the adoptive parent/s who become the child's legal parent/s.

Table 1 shows the changes in responsibility for custody and guardianship of a child requiring an adoptive placement.

Table 1: Responsibility for custody and guardianship of a child requiring an adoptive placement

| Queensland adoption | Who has custody of the child? | Who has guardianship of the child? |
|---|--------------------------------------|---|
| One of both birth parents consent to adoption for their child, or an order is granted dispensing with the need for birth parent consent to the child's adoption | Chief Executive | Chief Executive |
| Interim Adoption Order is made | Prospective adoptive parent | Chief Executive |
| Final Adoption Order is made | Adoptive parent | Adoptive parent |

| Intercountry adoption (Adoption Order made in Queensland) | Who has custody of the child? | Who has guardianship of the child? |
|---|--------------------------------------|---|
| Placement proposal is received from the overseas adoption authority and is accepted | Overseas adoption authority | Overseas adoption authority |
| Prospective adoptive parents travel to the overseas country and take custody of the child | Prospective adoptive parent | Overseas adoption authority |
| Prospective adoptive parents arrive in Queensland with the child and 12 month supervision commences | Prospective adoptive parent | Chief Executive |
| Final Adoption Order is made | Adoptive parent | Adoptive parent |

| Intercountry adoption (Adoption Order made in overseas country) | Who has custody of the child? | Who has guardianship of the child? |
|--|--------------------------------------|---|
| Placement proposal is received from the overseas adoption authority and is accepted | Overseas adoption authority | Overseas adoption authority |
| Prospective adoptive parent travels to the overseas country and take custody of the child where the Adoption Order will be made in the country | Adoptive parent | Adoptive parent |

* On arrival in Queensland a child is under the Guardianship of the Federal Minister for Home Affairs. Guardianship is then delegated to Adoption Services (via the Chief Executive of Department of Child Safety, Youth and Women).



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Adoption Orders made in Queensland

Interim Adoption Orders

The Childrens Court may make an Interim Adoption Order in favour of a child's prospective adoptive parent if it is satisfied that all requirements of the *Adoption Act 2009* have been met.

An Interim Adoption Order grants custody of the child to his or her prospective adoptive parent, and allows the prospective adoptive parent to make decisions about the child's daily care.

The Chief Executive of the Department of Child Safety, Youth and Women continues to be the child's guardian during the Interim Adoption Order period, and is responsible for decisions that affect the child's long-term care, welfare and development.

Interim Adoption Orders allow Adoption Services to:

- ensure the prospective adoptive parent/s can meet the child's needs, particularly during the first 12 months of placement
- have legal right of access to assess the child's welfare and interests, and report on the child's welfare and progress
- provide support to the child and the prospective adoptive parent/s and family.

A child must be in the custody of the prospective adoptive parent for at least 12 months before the Childrens Court can make a Final Adoption Order.

Under the *Child Protection Act 1999*, Interim Adoption Orders are not required for people who have been foster carers of the child for at least one year.

Final Adoption Orders

The Childrens Court may make a Final Adoption Order for a child if it is satisfied that all requirements for making the order have been met.

After a Final Adoption Order is made, the adoptive parent/s become the child's only legal parents, and the legal relationship which existed between the child and the birth parents is dissolved.

Adoption Services arranges for a copy of the Final Adoption Order to be registered with the Registry for Births, Deaths and Marriages, and a new birth certificate is issued for the child. The new birth certificate states what the child's name will be after the adoption is finalised, and includes the names of the child's adoptive parent/s.

Court orders about the child's name

When making a Final Adoption Order for a child, the Childrens Court may also make an order about the child's name that allows the child to:

- keep his or her existing birth surname, or have the same surname as the adoptive parent/s
- keep his or her existing name, have an additional name or a different name agreed by the adoptive parent/s.

The Childrens Court is required to consider:

- the child's right to preserve his or her identity
- whether the child is generally known by, or identifies with, his or her existing name
- if there is risk of harm to the child's wellbeing or best interest by keeping the existing given name.

After an Adoption Order is made, the *Adoption Act 2009* does not prevent any name of an adopted child being changed under another act or law, such as the right to register a change of a given name or surname under the *Births, Deaths and Marriages Registration Act 2003*

Adoption Orders made overseas

In some countries, the adoption of the child is finalised in the overseas country before the child travels with their adoptive parent to live in Australia. Countries include those that have ratified the Hague Convention, China, Chile, Sri Lanka, Taiwan and the Republic of Korea through the *Family Law (Bilateral Arrangements—Intercountry Adoption) Amendment Regulations 2014*.

The *Adoption Act 2009* provides Adoption Services with legal right of access to the child when he or she enters Queensland, and to supervise the placement for 12 months to ensure that the child's welfare and best interest is met by the adoptive parents. It also ensures Adoption Services can provide support and complete post placement reports to the overseas adoption authority.

If the adoption of your child was finalised in the overseas country, for example the Republic of Korea, China, Chile or Sri Lanka, an Application for

a Notice of Adoption in Another Country maybe be made to Adoption Services who will inform the Registrar of Births, Deaths and Marriages of the Adoption Order. An adoptive parent can then apply for their child's Queensland birth certificate.

It is important to talk to Adoption Services to clarify the processes of a particular country.



Raising concerns

The Department of Child Safety, Youth and Women is committed to delivering open, transparent and accountable adoption services. As part of this commitment, Adoption Services will:

- exercise delegated decision making-powers and statutory obligations based on facts and evidence
- provide people expressing interest in being assessed as suitable to be adoptive parents with current and relevant information about the adoption expression of interest process
- provide services that are sensitive to individual needs.

Adoption Services welcomes feedback on these commitments as part of a continuous improvement process to ensure effective and positive services are provided to Queensland people considering adoption.

If you feel you have been treated unfairly, or have not received the information and support you need, you can raise your concern with Adoption Services.

If you are unable to resolve your concerns with Adoption Services, you can make a formal complaint to the department's Central Complaints and Review Unit by calling **1800 080 464** or emailing **feedback@csyw.qld.gov.au**

In some instances, you may be unable to reach an agreement with Adoption Services. In this case, you can contact an external agency about your concern or complaint.

Complaints may be lodged with the Queensland Ombudsman by calling **3005 7000** or **1800 068 908** (for callers outside Brisbane), or emailing **ombudsman@ombudsman.qld.gov.au**

Post adoption support

The Department of Child Safety, Youth and Women funds the Benevolent Society to provide support through Post Adoption Support Queensland (PASQ).

PASQ provides information, support and counselling services to people in Queensland affected by adoption, including:

- individual counselling, group activities and workshops
- supporting people who wish to make a contact statement, or who are subject to a contact statement and do not wish to be contacted
- providing intermediary and mediation services
- raising community awareness and understanding of adoption
- making referrals to support services for people with long-term or intensive mental health needs
- providing training for counselling services, psychologists, psychiatrists and other professionals.

For more information about PASQ, call **1300 914 819** or go to **www.benevolent.org.au**

Review of decisions by the Queensland Civil and Administration Tribunal

Adoption Services is required to inform you if you have been found ineligible to have your names entered in the Expression of Interest Register, or if you have been found unsuitable to be an adoptive parent. Adoption Services will provide the reason for the decision and inform you of your right to have the decision reviewed.

During assessment of a person's suitability to be an adoptive parent, Adoption Services is required to inform you that your names may be removed from the Expression of Interest Register or the Suitable Adoptive Parents Register if you do not provide information required for the assessment.

Any decision made by Adoption Services that a person is unsuitable to be an adoptive parent or no longer meet the Act's eligibility or suitability requirements can be reviewed by the Queensland Civil and Administration Tribunal (QCAT).

QCAT is an independent body that has the power to review decisions made by Adoption Services, and may:

- affirm the original decision made by Adoption Service
- make an amendment to the original decision by Adoption Services
- propose an alternative decision, or send the matter back to Adoption Services for reconsideration in accordance with any directions or recommendations.

To lodge an application for a review, you must complete and submit the appropriate form to QCAT within 28 days of being notified of the decision or assessment. Forms are available from the QCAT website **www.qcat.qld.gov.au**

There is no fee for lodging an application for a review of a decision.

Should you need further information about the review process, you can call QCAT on **3225 8346** or **1300 855 345** (outside Brisbane).

Taking the next step

If after reading this information, you decide that you meet the eligibility criteria to make an expression of interest, please contact Adoption Services to receive an Expression of Interest application form.

If you would like to talk with Adoption Services about any of the information included in this handbook, please contact the Intake Officer at Adoption Services by calling **3097 5100** or **1800 647 983** (free call for callers outside of Brisbane).

Suggested reading

Armstrong, Sarah, Petrina Slaytor (editors) 2001, *The Colour of Difference* (Federation Press).

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Eldridge, Sherrie 1999, *Twenty Things Adopted Kids Wish Their Adoptive Parents Knew*, Dell Publishing, USA.

Forbes, Heather T., and Post, B Ryan 2014, *Beyond Consequences, Logic, and Control: A Love-Based Approach to Helping Attachment-Challenged Children with Severe Behaviours volume 1*, Beyond Consequences Institute.

Golding, Kim, S, and Hughes, Daniel A 2012 *Creating Loving Attachments*, Jessica Kingsley Publishers UK and USA.

Harris, Perlita 2006, *In Search of Belonging — Reflections by Transracially Adopted People*.

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Keefer, Betsy and Schooler, Jayne E. Schooler 2000, *Telling the Truth to your Adopted or Foster Child, Making Sense of the Past*, Bergin and Garvey, USA.

Keck, Gregory C. and Kupecky, Regina M. 1995, *Adopting the Hurt Child, Hope for Families with Special Need Kids, (A Guide for Parents and Professionals)*, Pinon Press, USA.

MacLeod, Jean, and Macrae, Sheena 2006 *Adoption Parenting: Creating a Toolbox, Building Connections*, EMK Press, USA.

Morrison, Marjorie 2007, *Talking about Adoption to your Adopted Child*, British Agencies for Fostering and Adoption, UK.

Purvis, Karyn B 2007, *The Connected Child: Bring Hope and Healing to Your Adoptive Family*, McGraw-Hill, UK.

Ruskai Melina, Lois 1998, *Raising Adopted Children, Revised Edition: Practical, Reassuring Advice for Every Adoptive Parent*, Harper Collins Publishers, USA.

Ruskai Melina, Lois 2010, *The Open Adoption Experience — A Complete Guide for Adoptive and Birth Families*, Harper Collins Publishers, USA.

Wakins, Mary and Fisher, Susan 1993, *Talking with Young Children about Adoption*, Yale University Press, USA.

Wolfs, Renee 2008, *Adoption Conversations — What, When and How to Tell*, British Agencies for Fostering and Adoption, UK.

Further information

If you feel that you meet the eligibility criteria to have your names entered on the Expression of Interest Register to be assessed as suitable adoptive parents, you can contact Adoption Services for a copy of the Expression of Interest form.

Department of Child Safety, Youth and Women

Adoption Services

Address: Level 11, 127 Creek Street
Brisbane Qld 4000

Postal address: Locked Bag 3405
Brisbane Qld 4001

Phone: 1800 647 983
(free call within Queensland)
or
07 3097 5100

Email: ads@csyw.qld.gov.au

Website: www.qld.gov.au/adoption

