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# HOW ADOPTION WORKS IN AUSTRALIA



## WHAT IS ADOPTION?

*Adoption permanently transfers all the legal parenting rights and responsibilities from the child's birth parents (or anyone with parental responsibility for the child) to the adoptive parents.*

### OPEN ADOPTION

Australia practices open adoption for both domestic and international adoptions, whereby children who are adopted grow up with an understanding that they have been adopted and, where possible, are supported to have a relationship with or knowledge of their family of origin and cultural heritage.

### WHERE TO START?

The first step for prospective parents is to research which type of adoption or permanent care is possible in your state or territory, and decide which is right for your family: domestic adoption (local and from out of home care), inter country adoption, or the permanent care or guardianship of a child.

Adoption and child welfare legislation in Australia is made at the state government level, and each jurisdiction has their own department and often a number of Non-Government Organisations (NGOs) who are commissioned to provide out-of-home care (OOHC) and adoption services. Each jurisdiction, department and NGO has their own process including setting the criteria for prospective adoptive parents and carrying out the training and assessment process. While the processes and criteria in each state are similar, they are not the same.

The basic steps for all types of adoption and permanent care are:

- contacting the relevant state department or accredited agency
- attending an information session
- undertaking assessment and training
- waiting for matching
- placement
- post adoptive/placement support

NB: The timeframes for adoption vary for a range of reasons and are subject to change. In most states the process can take a number of years.

### ADOPTING A CHILD WITHIN AUSTRALIA

Australia's state and territory governments are responsible for administering domestic adoption and permanent care processes.

In some states and territories, there are also accredited non-government organisations that facilitate the adoption process for Australian children. In these states, you can apply directly to the accredited agency to begin the adoption process as an alternative to applying through the state department.

### LOCAL ADOPTION

Local adoption is where a parent voluntarily determines an adoption plan for their child. The birth parents are usually involved in helping select adoptive parents and usually the children are under the age of two. Very few children are surrendered for local adoption.





## ADOPTION FROM OUT OF HOME CARE (OOHC)

There have recently been changes in some states to allow more children to be adopted from OOHC where it is not safe for them to return to their families and where adoption is deemed the best option for that child.



## INTERCOUNTRY ADOPTION

Intercountry Adoption is governed by the Attorney-General's Department, but is administered by the state departments. The intercountry adoption eligibility requirements and process used in each state and territory is similar, but not identical, and each overseas country that Australia has a program with also has its own process and requirements.

NB: Adoptions to Australia must either be approved by a state or territory central authority, or meet Australian immigration requirements for expatriate adoption. If you arrange a private adoption that is not sanctioned by the Australian Government then you may not be able to bring the child to Australia.

See the Department of Home Affairs website for more information about expatriate adoption.

<https://www.homeaffairs.gov.au/trav/life/adoption-of-children>



## PERMANENT CARE

Adoption is not always possible or considered in the best interest of certain children. In some states there is legislation making it possible to provide permanent homes for children instead of adoption. These are permanent care orders, sometimes known as guardianship orders, where the person wishing to provide a home for a child is assessed and, if successful, is granted parental responsibility until the child is 18 years of age.

## FOSTER CARE

Long-term foster care involves caring for children until they reach adulthood (usually 18 years) and are ready to live independently. Parental responsibility of the child remains with the community services Minister of the relevant state. In some states long-term foster care may be the only option for providing a stable home for a child.

## ABORIGINAL AND TORRES STRAIT ISLANDER CHILDREN

Whilst permanency is just as important for the wellbeing of Aboriginal and Torres Strait Islander Children, usually adoption is considered unsuitable by departments and agencies. The Aboriginal and Torres Strait Islander Child Placement Principle outlined below has been enacted to varying extents within the legislation of every Australian state and territory.

- Prioritising placement of Aboriginal and Torres Strait Islander children with their Aboriginal and Torres Strait Islander family, community, or other Aboriginal and Torres Strait Islander families, where such placement is safe for the child.
- Consultation with Aboriginal and Torres Strait Islander families, communities and organisations about child protection intervention, and child placement and care.
- Ensuring that Aboriginal and Torres Strait Islander children in out-of-home care are supported to maintain connection to their family, community and culture, especially children placed with non-Indigenous carers.

## POST ADOPTION SUPPORT

There are a number of groups that support adoptees and their families. Some of these are focussed on families formed through open adoption and others are tailored more towards adoptees and birth parents affected by adoption practices of the past such as forced adoptions and closed adoptions.

Post adoption services are sometimes provided by the various State/Territory departments.

## MORE INFORMATION

Visit the Adopt Change website for links to national and state government authorities, agencies and support organisations: <https://www.adoptchange.org.au/page/27/agencies-support>

Intercountry Adoption Australia  
<http://www.intercountryadoption.gov.au/>

SNAICC – National Voice for Our Children  
<http://www.snaicc.org.au/aboriginal-and-torres-strait-islander-child-placement-principle/>



# ADOPTION AND PERMANENT CARE IN WESTERN AUSTRALIA



Currently in WA there are five possible pathways for providing a permanent home for a child:

- Local adoption
- Intercountry adoption
- Adoption from foster care
- Long-term foster care
- Special guardianship

## ADOPTION

The Department for Child Protection and Family Support (the Department) is the only agency able to arrange adoptions in Western Australia.

### LOCAL ADOPTION

Children requiring local adoption have been voluntarily relinquished by their birth parents. Usually these children are infants, and increasingly, the children being relinquished for adoption have varying degrees of special needs.

In Western Australia, birth parents who have relinquished their child for adoption are involved in the selection of adoptive parents for their children.



### INTERCOUNTRY ADOPTION

The Department also manages the applications and assessments for those applying to adopt children through one of Australia's intercountry adoption programs.

The role of the Department is to ensure that those applying to adopt children through these programs meet the requirements for adoption, that they have received the appropriate training and information, and to ensure that appropriate post-adoption support is received.

### COSTS

There are administrative and legal costs relating to a local and intercountry adoption in Western Australia.

Additionally intercountry adoption involves costs such as airfares when you travel to meet and bring home your child, and visa and immigration fees.

For both local and intercountry adoption you should also factor in the time you will spend away from the workforce in order to support, and form a relationship with, your adopted child when they return home with you.

### APPLYING TO ADOPT A CHILD

In WA when you apply to adopt a child you can indicate a preference for either intercountry and local adoption, or for both.

You must meet the following criteria:

- Applicant must be over 18 years.
- If in a marriage or de facto relationship, the relationship must have existed for at least 3 years.
- If applying as a couple at least one person must be an Australian citizen and the other a citizen of a country that gives similar rights to adopted persons.
- Applicant must be a resident and domiciled in Western Australia.

**If you wish to be approved for intercountry adoption you will need to indicate which country you are applying to, and meet the eligibility requirements for that country as well as the requirements for WA.**

The process for adopting a child locally or from overseas is:

- Attend a general Information session conducted by the Department
- Attend two or three education sessions (depending on whether it is an intercountry or local adoption)
- Lodge an Expression of Interest with the Department
- Lodge a Formal Application with the Department
- Complete an Assessment prepared by an assessor
- Once approved prepare profile for either local, intercountry or both

Once approved, your name will be added to the approved register of applicants. The register 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.

## PERMANENCY PLANNING

The numbers of children adopted through both the local and intercountry adoption programs are very low. The Government of Western Australia is encouraging prospective adoptive parents to consider alternate ways of providing permanent homes to children who cannot safely live at home: permanent foster care, special guardianship, and adoption from foster care.

If it has been decided that a child cannot be safely returned to their parents, the Department will seek the most appropriate permanent care arrangement for the child.

**The first step is to become a permanent foster carer which, if in the best interests of the child, can eventually lead either to becoming the legal guardian of a child, or to adoption from foster care.**



## FOSTER CARE

Permanent foster care provides a child with a permanent, safe and loving home at least until they reach the age of 18. Parental responsibility of the child remains with the Department, but the foster carer provides day to day care.

Foster carers receive a fortnightly subsidy towards the cost of looking after a foster child, as well as other supports to help meet the child's needs.

## APPLY TO BECOME A PERMANENT FOSTER CARER

To apply to become a foster carer, you must first obtain an information pack either by telephoning Fostering and Adoption Service on 1800 182 178, or completing the Fostering enquiry form online.

Once you have read the information pack the steps are:

1. Attend an information session
2. Submit an expression of interest
3. Meet with a social worker, usually at your home.
4. Complete and submit an application (including references, medical and police checks)
5. Undergo assessment by a social worker, including several home visits
6. Attend training

If you are approved, you will receive a letter confirming your approval and be asked to sign an agreement with the Department.

You can also apply to become a foster carer with an accredited agency through a similar process. See the Adopt Change website for a list of WA based foster care agencies.

## SPECIAL GUARDIANSHIP

In some cases, carers are able to assume parental responsibility of a child until they turn 18. The carer needs to have been caring for the child for at least two years. This is called a Protection Order (Special Guardianship). The Order may include conditions about contact between the child and the child's parent or other significant persons.

## ADOPTION FROM FOSTER CARE

Carer adoption is another option available to create a stable home for life for children.

If a child has lived with a carer for at least two consecutive years, that carer is able to apply to adopt that child.

Before making an application to the Family Court of Western Australia for an adoption order, the Chief Executive Officer of the Department needs to approve the placement of the child with you with a view to adoption. An adoption order will only be made by the court if it is satisfied that adoption is preferable to other orders the courts are able to make.

## MORE INFORMATION

For information and to apply for local and intercountry adoption, and to become a long-term foster carer, phone the WA Fostering and Adoption Service on **1800 182 178**, or visit the Departments [website](#).

For a list of accredited adoption agencies in WA visit the Adopt Change [website](#).

Intercountry Adoption Australia provides information on [partner countries](#) and eligibility requirements.

Visit the Adopt Change [website](#) for links to WA based support organisations for adoptive parents, and long-term and permanent carers.