



Government of South Australia
Department for Child Protection

Considering adoption



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Introduction

This brochure provides information for parents who may be considering adoption for their child.

Having your child adopted and raised by another family is a permanent legal arrangement. So, it is important that you consider all options and possibilities for the care of your child, and that you have all the information you need to understand the consequences of adoption.

The adoption law in South Australia states that parents considering adoption for their child must be given this information brochure to explain:

- the implications and consequences of consenting to your child's adoption
- the procedures and time limits related to giving consent or revoking (withdrawing) consent
- counselling and other support services available
- arrangements that may be made for the care of a child as alternatives to adoption.

Because everyone's circumstances are different, we encourage you to make an appointment to discuss your situation with a Social Worker at Adoption Services at the Department for Child Protection (DCP).

Making an enquiry with Adoption Services does not mean that you have to take any particular future action for yourself or your child or that you have to proceed with adoption.

You can go to the appointment by yourself or with your child's other parent. You can also bring someone else with you for support.

To talk to someone at Adoption Services, please ring 1800 512 355 or email us at adoptions@sa.gov.au

Matters to consider for ensuring your child's care

If you are unsure about whether you are able to parent your child, adoption is only one of the various arrangements you can make to ensure your child is cared for. It is important that you also consider the other options:

Raising your child yourself

Whether or not you parent your child yourself will depend on a number of things:

- your relationship with your child
- what you want for your child
- your relationship with the child's other parent
- whether your partner is prepared to support you and the child
- whether you are single and feel you can raise your child alone
- whether your family is supportive
- community supports available to you
- your own plans for the future.

If you decide to raise your child alone or with a partner, there are agencies available to help you and your family. The Parenting Payment is available from Centrelink to assist you to financially provide for your child.

Adoption Services Social Workers and other counsellors can provide advice about this and provide referrals to other agencies, including for accommodation and other support services.

Short term foster care

If you are having difficulties or experiencing a crisis, another family may be able to look after your child for a short period of time. This may be part of a family support service plan that is designed to help you get access to resources and support so that you can care for your child yourself.

How can short term foster care help?

Short term foster care can help you to work towards caring for and raising your child yourself. It is not intended as a permanent arrangement and you will retain your parental rights to your child and will be able to visit and contact your child.

Special care is taken to select foster families who can provide a warm and caring home for children in these circumstances. If you are thinking about this type of care, it is important to consider the possible effect that a period of separation may have on your child and on your relationship with him or her.

To find organisations that provide family support services, including access to short term foster care, you can check the website of the South Australian Directory of Community Services: www.sacommunity.org.

Members of your family or friends looking after your child

Relatives or friends may agree to look after a child for a short period, or even bring up a child when parents are unable to carry out this role themselves. This kind of care is important because the child remains within or close to their family and knows about their identity and origins.

Who would then be responsible for my child?

If you are going to ask a family member or friend to care for your child, everyone involved should agree about:

- what involvement and contact you will have with the child and how this will happen
- who will financially support the child
- who has the responsibility for making decisions about the child
- if the child is to be raised by family members, what will the child be told about their identity and place in the family.

If it is decided that your child will be cared for long term by a relative or friend they may apply to the Family Court to make legal arrangements for custody and guardianship of the child. You should seek legal advice if you are considering this option.

The Youth Court will not make an adoption order in relation to a child under the age of 18 unless it is satisfied that adoption is in the best interests of the child and is clearly preferable to any alternative order that may be made by the Family Court (e.g. a guardianship or custody order) or by the Youth Court (e.g. an order placing the child under long-term guardianship).

Adoption

Where the Youth Court makes an adoption order in relation to a child all of the rights and responsibilities of the birth parents in relation to the child are legally removed. The adoptive family takes on all these rights and responsibilities for the child's care and parenting. The law views the child as if they were born into the adoptive family. The adopted child has the same legal rights as any biological child of the adoptive parents. Adoption is a permanent legal arrangement.

What about my child while I am thinking about this?

Newborn children

How long will my baby stay in hospital?

Unless there are any medical concerns, most children whose parents have said they are considering adoption, stay in hospital until they are about five days old. They can then be temporarily looked after by a foster family.

How long should I stay in hospital?

Mothers may be unsure about how long they want to stay in hospital. This, to some extent, will be determined by the birth experience and may range from hours to days, depending on your doctor's advice.

Should I have contact with my child during this time?

If you are thinking about adoption, you may be uncertain about whether you should see or spend time with your child while he or she is in hospital. Some people who have been through the experience of relinquishing their child, feel that it can be very important for parents to see and spend time with their baby. Feelings about this can be discussed with hospital staff, or the Adoption Services Social Worker. Ultimately the choice is up to you. If you are worried about seeing your baby, it is important that you discuss these worries with someone. There are Social Workers at most hospitals who are able to help with these issues or any other concerns you may have.

Older children

If your child is not a newborn, short term foster care can be arranged by a Social Worker at DCP Adoption Services.

What is the process for foster care?

Foster parents who look after children whose parents are considering adoption are approved by DCP. If your child is still in hospital, foster care will be arranged by the Adoption Services Social Worker when the hospital notifies them that your child is ready to leave.

If your child is placed in temporary foster care while you are considering adoption, you will need to sign a Voluntary Custody Agreement with DCP. This agreement lasts for 6 months and can be renewed for another 6 months.

Are there other options for short term care?

It is possible to make other short term care arrangements, such as placing your child with a family member. It is important to discuss these with the Adoption Services Social Worker.

Can I have contact with my child during foster care?

Parents have the right to see and be with their child in hospital and while their child is in foster care. This can be a good way to help you to decide about adoption. You can talk with the Adoption Services Social Worker about how to arrange this.

How does adoption happen? Who decides?

Consent for a child to be adopted can only be given by the child's legal parents and/or by the child's legal guardian.

During the period when you are considering the future care for your child, you may find that many people offer advice about what to do. This can be helpful, or it can be confusing. As the child's legal parent, it is you who must make the final decisions. It is important that you have enough time and information to do this so that you are as sure as you can be that you are making the best decision for your child's life and for your own.

It is important that both parents are involved in the process of considering adoption for their child.

If a mother comes on her own to Adoption Services, she will be asked to name the father and steps will be taken to locate him.

The parents and/or guardian may give an informed consent to adoption after a process which involves counselling and the careful consideration of available options and information.

What does relinquishment mean?

Relinquishment means parents legally and permanently giving up their parental rights and responsibilities to their child, by giving their written consent to the child's adoption

What help is available when considering this decision?

A decision to place a child for adoption is an extremely difficult one and might be made for a variety of reasons. Adoption Services provides counselling to people as they work through the future options for themselves and their child. Information about other counselling and support services is also available.

Aboriginal and Torres Strait Islander families

The Youth Court will not make an adoption order in relation to an Aboriginal or Torres Strait Islander child unless satisfied that adoption is in the best interests of the child and clearly preferable to any alternative order that may be made under State or Commonwealth law. The Court must consider any submission made by or on behalf of a recognised Aboriginal organisation or a recognised Torres Strait Islander organisation, and it must also consider a report that DCP has prepared about its consultation with a recognised Aboriginal organisation or a recognised Torres Strait Islander organisation.

Aboriginal and Torres Strait Islander people believe that their links to their family and culture are important and that these links for a child should be preserved. The Aboriginal and Torres Strait Islander Child Placement Principle must be applied when considering placement options for Aboriginal and Torres Strait Islander children. Adoption Services will consult with appropriate people from the Aboriginal or Torres Strait Islander community about situations involving Aboriginal or Torres Strait Islander children and will discuss this with you.

Preparation for adoption

Counselling

Before consent to adoption can be given, a social worker from DCP Adoption Services will arrange a counselling session with you. You may have a number of counselling appointments. This is a thorough and often long process, during which many aspects of your situation are explored. This can be a challenging time because the profound effects of consenting to adoption will be examined in great detail.

Both parents will be separately counselled. If the father is not present, the mother will be asked to name him and steps will be taken by Adoption Services to locate him.

If the father is named on the birth certificate, or if he is recognised by a Court as the father, he must be involved in the decision making about the child's future. If he wishes for the child to be adopted he must provide his consent. If the father has not been named on the birth registration form but has indicated that he wants a say in the child's future, Adoption Services must take into account any steps he may take to establish paternity.

If the father wishes to parent the child himself, he has the right to do so.

If you and the child's other parent cannot agree on your child's future care and custody, you may take the matter to the Family Court for a decision.

Consent

If the counselling process has been completed and you have decided to go ahead, you can provide your consent to the adoption. Your signing of consent must be arranged and witnessed by a Social Worker from DCP Adoption Services (or a person formally appointed by DCP). The DCP Social Worker must be sure that you understand the consequences of adoption and the procedures for revoking (withdrawing) your consent.

If you are less than 16 years of age, your consent must be endorsed by at least 2 psychologists authorised by DCP, who must make a statement that you have also been counselled by the psychologist at least 3 days before giving consent. The psychologist must also state that they are of the opinion that you have a sufficient understanding of the consequences of adoption and you are able to make a responsible decision in relation to consent.

Consent forms cannot be signed until at least 14 days have passed since the birth of your child (except in very unusual circumstances).

Counselling must be completed at least 3 days before you provide your consent, to make sure you have had time to understand the process of adoption and the consequences of giving consent. (Usually the time is longer than 3 days due to the counselling process).

You must also be given a copy of this booklet.

Time for signed consent to be finalised

After signing the consent, there is a period of 25 days during which you can change your mind and revoke (withdraw) your consent. This 25 day period can be extended by another 14 days to give you more time. When you consent, you will be given a form to enable you to request more time if you need it.

During the 25 (or 39) day period the guardianship of your child is legally transferred to the Chief Executive of the Department for Child Protection. This means that DCP will make decisions about your child and in particular, the placement of your child with an adoptive family, once the 25 (or 39) day period has expired. Decisions made by DCP during the 25 (or 39) day period will be discussed with you.

If you change your mind within the 25 (or 39) day period and revoke (withdraw) your consent to adoption, your child will be returned to you as soon as possible and full legal rights and responsibilities as parent to your child will be restored.

Once the 25 (or 39) days consent period has passed and if you have not changed your mind, Adoption Services will discuss with you the placement of your child with an adoptive family. You will have the opportunity to express your views and preferences about the family you wish for your child. You may meet with the prospective adoptive parents if you all agree for this to happen.

How are adoptive parents chosen?

Prospective adoptive parents register

People who have applied to become adoptive parents are thoroughly assessed as to their eligibility and suitability for adoption. If they are approved, they are registered with DCP Adoption Services as prospective adoptive parents.

Are my wishes considered?

Adoption Services will consider your wishes in making the decision to place your child with an adoptive family. The Social Worker will encourage you to discuss your thoughts about what is important to you in finding a family for your child. You can be involved in the decision about the adoptive family for your child by reading non-identifying details of a number of possible families and by stating your preferences.

Who makes the final decision?

After taking everything into consideration, DCP is responsible for making the final decision about the best adoptive family for your child. The details that you give about yourself, including your background, and what you want for your child's future will be taken into account in deciding the best family for your child. The Adoption Regulations set out a process by which the decision about the best family for your child is made.

How is the adoption order made?

After your child has been with their new family for a few months, the prospective adoptive parents will make an application to the Youth Court of South Australia for an adoption order.

As you are the child's birth parent, you will receive a notice that the application has been made. This means that you have an opportunity to provide any information to the Court that you wish to at that time.

The Court will consider a report by DCP on the prospective adoptive parents' suitability to adopt your child.

The Court will only make an adoption order in relation to a child who is less than 18 years of age if it is satisfied that adoption is in the best interests of the child and, taking into account the rights and welfare of the child, clearly preferable to any alternative order that may be made by the Youth Court, the Federal Circuit Court, or the Family Court.

Once the adoption order is made, your legal rights and obligations to your child are terminated and the child becomes the child of the adoptive parents.

The Court will notify the Registrar of Births, Deaths and Marriages about the adoption order, and the adoptive parents will be registered as the legal parents of the child.

Some frequently asked questions

Can I name my child?

You have the right to name your child. When the adoption order is made in the Youth Court, the child will legally take the family name of the adoptive parents. The child's first name can be changed by the Court only in certain circumstances.

Do I need to register my child's birth?

You will need to complete a Birth Registration form and send it to the Registrar of Births, Deaths and Marriages. DCP Adoption Services can help with this.

Consent notice

At the time the adoption is arranged by DCP Adoption Services, the birth parents and the adoptive parents can agree to sign a "consent notice". This is an agreement that the adopted person, the birth parents, and the adoptive parents can have access to the child's birth registration information before the child turns 18.

Will the birth certificate be changed?

Adopted children will receive a birth certificate that shows their adoptive name and provides the names of their legal parents (the adoptive parents). When the adopted person is 18, they can also obtain an "integrated birth certificate" that shows the names of both the birth parents and the adoptive parents.

Can my child get a copy of the original birth certificate?

When an adopted child is 18 years of age, they will have a legal right to obtain a certified copy of their original birth certificate.

If the birth parents and the adoptive parents have agreed to a "Consent Notice" (see above) the adopted person and their adoptive parents can obtain a copy of the original birth certificate before the adopted person turns 18.

Can I obtain a copy of the original birth certificate?

You can obtain a copy of the original birth certificate as soon as it is issued. If you have agreed to sign a "Consent Notice" you can obtain a copy of the birth certificate with the adoptive parents' names on it before the child is 18. If there is no "Consent Notice", once the child is 18 you can obtain a copy of the birth certificate from the Registrar of Births, Deaths and Marriages. This will contain the name of the child after the adoption and the names of the adoptive parents.

When does the child go to an adoptive family?

After the 25 (or 39) day period has expired Adoption Services will identify the most appropriate family from the prospective adoptive parents register. They will be counselled about the needs of the child, how they will care for the child and any arrangements and future contact with the birth family. After this is worked out, the child may go to live with the new family a few weeks after consent is finalised.

What is an adoption contact plan?

An adoption contact plan is a written arrangement made between the birth family and the adoptive family about future contact between them. Later on, the adopted child can be included in this arrangement when they are able to understand the arrangement.

An adoption contact plan is worked out at the time of the adoption with the Adoption Services Social Worker. Copies of the plan are given to both families and a copy is kept by Adoption Services. The arrangements can be changed from time to time or cancelled.

These arrangements are not legally binding on the birth parents, adoptive parents or child.

Contact is usually arranged through a Social Worker over a number of years. People can choose to share their details, such as first names or full names. Contact can be in person and or through letters or email. People often exchange gifts or messages at the time of the child's birthday and at Christmas. DCP Adoption Services assists with these arrangements.

What information will I need to give about myself?

DCP Adoption Services will need to ask you to provide lots of details about yourself, including identifying details and your family background. You will also be asked for your thoughts about the most suitable family for your child. This information is valuable in the process of identifying possible adoptive families for your child. It also provides extremely valuable family and medical history for your child, which will be given to the adoptive family.

What happens to the information that is recorded about me and the adoption?

DCP Adoption Services will keep all the information about the adoption in a file. This will include the information that you give about yourself such as medical and family background, the reasons for the adoption, and copies of the consent form and other formal documents. This file is kept by DCP and cannot be destroyed. When the adopted person turns 18 (or in some cases before then), they, their adoptive parents and you can obtain access to information in the file. This is done by lodging an application form with DCP. Details about this can be found on the DCP website.

Will the adoptive parents give the child information about me?

As adopted children grow they will most likely want to know about their parents and the story of their adoption. Adoptive parents are encouraged to talk openly with their child about adoption and to share information about their birth family.

DCP Adoption Services carefully prepares written and other information about you and your family and gives this to the adoptive family to use when talking with your child about their adoption. You will have the opportunity to participate in this.

What support is available?

Are there support services for me?

During the period after your child goes to live with the adoptive family you may feel you need support. Some people find that their family or close friends can provide them with the support they need. DCP Adoption Services is available for you and is also able to refer you to other appropriate support services.

Will the adoptive parents and my child have support?

DCP Adoption Services is available to adoptive parents for support and information in the important first months after placement. Prior to the granting of the adoption order, the Social Worker must visit the family and ensure that the child is doing well.

Post adoption support services

Post Adoption Support Services within Relationships Australia is available for adoptive families and birth families. They provide support and counselling. Phone: (08) 8245 8100 or email: passinfo@rasa.org.au; website: www.rasa.org.au

What if I have further questions?

If you have further questions that have not been answered here please feel free to contact DCP Adoption Services. Everyone's circumstances are different and it is important that you have the correct information and support during the time you are considering adoption for your child.

To talk to someone at Adoption Services, please ring **1800 512 355** or email us at **adoptions@sa.gov.au**.

This booklet is also available online.
Please visit www.childprotection.sa.gov.au/adoption

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