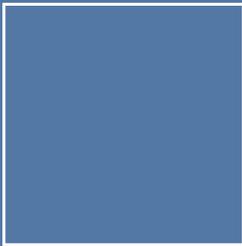


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Government of South Australia

Department for Families  
and Communities



# CONSIDERING ADOPTION

# INTRODUCTION

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

**As everybody's circumstances are different, you are encouraged to ring or make an appointment to discuss your situation with a Social worker at Adoption and Family information Service. Making such an enquiry to seek information or counselling in no way binds you to any future course of action you may wish to take about yourself or your child.**

**If you would like to talk to someone about adoption, you can make an appointment with a Social Worker at Adoption and Family Information Service - telephone 8207 0060.**

**Parents may do this alone, or together, depending on the situation.**

## WHAT IS THE PURPOSE OF ADOPTION?

In the past, adoption was seen as a way of solving the crisis of an unplanned pregnancy of an unmarried woman. These days adoption is for children, who for a variety of reasons, have parents who choose not to parent them. The focus is very much on the best interests of the child, that is, finding the best family for the child rather than finding a child for a family who does not have one.

## WHO DECIDES TO PLACE A CHILD FOR ADOPTION?

The decision to place a child for adoption can only be made by the child's legal parents, that is, the mother and father to whom the child was born. Many people can be influential in giving advice, but the final decision rests with the parents. If a mother considering adoption comes alone to Adoption and Family Information Service, she will be asked to name the father and all steps available will be taken to locate him. If a father is not registered on the child's birth certificate, a person who claims to be the child's father must be given an opportunity to establish his paternity and be involved in decision making about the child. If a father wishes to parent his child, he has the right to do so.

The parents may make 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 give 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?

The decision to place a child for adoption is an extremely difficult one and might be made for a variety of reasons. Adoption and Family Information Service 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 PEOPLE

The Aboriginal community generally believes the legal process of adoption does not fit with Aboriginal culture and this has been recognised in the Adoption Act, 1988. This is because Aboriginal people believe that their links to their family and culture are important and these links for a child should be preserved. Adoption and Family Information Service will consult with appropriate people from the Aboriginal community about situations involving Aboriginal children and will discuss this with you if you are an Aboriginal person.

## WHAT CHOICES DO I HAVE?

If you are unsure about whether you are able to parent your child, adoption is only one of the various choices you can make. Other options are outlined here, and it is important that you consider these.

### 1. RAISING THE 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 wish to raise your child alone
- whether your family is supportive and positive
- community supports available to you
- whether you are ready for parenthood
- your own plans for the future.

If you decide to raise your child alone or with a partner, there are agencies available for support. Social Workers or other counsellors can provide further advice and referrals to other agencies.

## WHAT CHOICES DO I HAVE?

### 2. TEMPORARY FOSTER CARE

Foster care means another family will care for your child for a short period of time. Temporary foster care may be arranged for parents who are having difficulties caring for their child, or who may be having a crisis.

#### What is the purpose of foster care?

The purpose of this type of care is usually to help you to work towards caring for and raising your child yourself. It is not intended as a permanent arrangement and you will remain your child's legal parent with the right to visit and contact your child. Temporary foster care may also be arranged for people who are considering adoption for their child. Further information about arranging other foster care can initially be obtained from your local office of Children, Youth and Family Services (look in the White Pages for the phone number of your nearest office).

#### What effects might there be on the child?

Special care is taken to select families who provide a warm and caring home for your child. 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 your relationship with him or her.

### 3. PLACING YOUR CHILD WITH RELATIVES

Relatives may agree to bring up a child when parents are unable to carry out this role themselves. An advantage to placing a child with a relative is that the child remains within their family and knows about his or her origins.

## WHAT CHOICES DO I HAVE?

### Who will be responsible for my child?

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

- who will tell the child about their identity and place in the family
- who has the responsibility for making decisions about the child's upbringing
- who will financially support the child
- what contact you will have with the child and how this will happen.

The relative responsible for caring for your child may apply to the Family Court regarding legal arrangements. All family members concerned may decide to seek legal or other advice about future arrangements.

Adoption by a relative would not usually be granted by an Adoption Court. This is because there are many other options for legal arrangements to be made in the Family Court where families wish to create security for their child.

### 4. ADOPTION

An Adoption Order through the Youth Court means that all of your rights and responsibilities in relation to your 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 adopting family.

***Adoption is a permanent legal arrangement which can not be over-turned.***

## SOME FREQUENTLY ASKED QUESTIONS

### WHY ARE THERE SO FEW CHILDREN ADOPTED THESE DAYS?

Adoption numbers of locally born children have decreased dramatically in the community over the last 30 years for many reasons. Some of these reasons are:

- a variety of family structures and arrangements are much more acceptable now
- a stronger emphasis is now placed on keeping children within their own biological or extended family
- there are more resources to help families stay together
- society is more accepting of children being born to single women
- society is more accepting of men parenting their children on their own
- single parents now have alternative choices to adoption
- there is greater income support for single parents
- there are now a variety of forms of contraception
- sometimes abortion is an option for people whose pregnancy is unplanned and unwanted.

### WHAT HAPPENS ONCE THE CONSENT FOR ADOPTION HAS BEEN SIGNED?

In the past, adoption was mostly a secret process and parents who placed their children for adoption had no opportunity to obtain information about their child. Today the adoption laws allow more openness and sharing of information between the people involved when a child is adopted.

## SOME FREQUENTLY ASKED QUESTIONS

### WHAT ARE POST ADOPTION ARRANGEMENTS?

It is possible to set up a Post Adoption Arrangement in the interests of the healthy development of your child. This arrangement is made between the child's birth parents and adoptive parents, with the help of a social worker from the Adoption and Family Information Service.

### WHO DEVELOPS POST ADOPTION ARRANGEMENTS?

A Post Adoption Arrangement is negotiated by the adoption Social Worker through discussion with the parents and the adoptive parents of the child. This is an agreed arrangement about what will happen after the child goes to live with the adopting family. It may include an exchange of ongoing information about your child and your family over the years.

The arrangement could also include photographs, gifts or meetings between the birth parents, the child and the adoptive family. Other relatives, for example birth grandparents or siblings, may be included in the arrangement.

### ARE THESE ARRANGEMENTS LEGALLY ENFORCEABLE?

Post Adoption Arrangements are not enforceable by law and in order to work, everyone involved must be committed to carrying out the plans. As the child grows, these arrangements may change, either by agreement of all parties, or if one party decides not to be involved any longer. The Adoption and Family Information Service will attempt to ensure the arrangements are carried out in the way they were intended and is responsible for mediating the arrangements.

## SOME FREQUENTLY ASKED QUESTIONS

### WHAT HAPPENS TO THESE ARRANGEMENTS?

They are written down and signed by the birth parents and the adoptive parents. A copy is given to the adoptive parents, the birth parents and a copy is kept on file at the Adoption and Family Information Service.

### HOW MIGHT WE EXCHANGE ONGOING INFORMATION?

If there has been an arrangement for letters and photographs to be exchanged, this can be done by the information being sent to the Adoption and Family Information Service, who then send the information on to the other party. If you agree to share names and addresses with each other, the information exchange can be done directly between the parties.

### SHOULD WE MEET THE ADOPTIVE PARENTS?

A meeting may take place if everyone concerned agrees. This gives you an opportunity to share information about your child and to see for yourself the family that your child will be joining or has already joined. Such meetings can be arranged by Adoption and Family Information Service and the identities of all concerned can be protected if desired.

### CAN I NAME MY CHILD?

You have the right to name your child. If the child is adopted, his or her adoptive parents have the right to give the child a new name, although the significance of the name you choose for your child will be discussed with them.

### DO I NEED TO REGISTER THE BIRTH?

You will need to complete a Birth Registration form and send it to the Registrar of Births, Deaths and Marriages.

## SOME FREQUENTLY ASKED QUESTIONS

### **WILL THE BIRTH CERTIFICATE BE CHANGED?**

When a child is adopted the original birth certificate can be cancelled and a new birth certificate issued by the Registrar, with the adoptive parents' names as the legal parents. Alternatively, the names of the adoptive parents can be added to the original birth certificate if this is agreed upon. This does not mean that your rights are retained. The adoptive parents would still be your child's only legal parents.

### **CAN MY CHILD GET A COPY OF THE ORIGINAL BIRTH CERTIFICATE?**

The original birth certificate remains with the Registrar of Births, Deaths and Marriages. When your child is 18 years of age, he or she has a legal right to obtain a certified copy of their original birth certificate. This will provide your full name and details. You have no right to prevent the child obtaining this information once he or she turns 18 years of age.

### **CAN I GET A COPY OF THE ORIGINAL BIRTH CERTIFICATE?**

You can obtain a copy of the original birth certificate as soon as it is issued. Once the child is 18 years of age you can also obtain a copy of the amended birth certificate from the Registrar of Births, Deaths and Marriages. This certificate will provide the name of the child after the adoption and the names of the adoptive parents.

## PREPARATION FOR ADOPTION

Before consent to adoption can be given, a counselling process must be entered into. This is a thorough and often long process, during which many aspects of the parents' situation are discussed and explored. This can be a challenging time because the seriousness and profound nature of consent to adoption will be examined in great detail.

### **WHAT IS THE PROCESS FOR CONSENTING TO THE ADOPTION OF MY CHILD?**

If you decide to place your child for adoption, you will need to formally sign consent papers. There are certain steps that must be taken as follows:

- if the father is not present, the mother will be asked to name the father and all available steps will be taken by Adoption and Family Information Service to locate him
- if the father is named on the certificate, or if he is recognised by a Court as the father, he must be given the opportunity to be involved in the decision making about the child's future, and if he wishes for the child to be adopted, his consent is necessary
- if the father has not been named on the registration form but has indicated that he wants a say in the child's future, the Adoption and Family Information Service 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
- signing of consent can only be arranged and witnessed by a Department for Families and Communities Social Worker, or a person formally appointed by the Department
- consent forms cannot be signed until at least 14 days have passed since the birth of your child (except in very unusual circumstances)
- by law, counselling must be completed at least 3 days before signing consent, to make sure you understand the process of adoption and the consequences of giving consent

## PREPARATION FOR ADOPTION

- you must also be given written information about adoption (that is, a copy of this booklet)
- if parents cannot agree on their child's future care and custody, either party can take the matter to the Family Court for a decision
- after signing the consent, there is a period of 25 days during which you can change your mind and cancel (or revoke) your consent. This 25 day period can be extended by 14 days, on application, to give you more time
- during this time the guardianship of your child is transferred to the Chief Executive of the Department for Families and Communities. This means decisions about your child and in particular, the placement of your child in an adoptive family, once the revocation period has expired, will be made by the Department
- if you do change your mind within this revocation period and cancel the 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 are restored
- once the 25 days consent period has passed and if the consenting parent(s) have not changed their mind, we will then 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 adoptive parents if you all agree for this to occur
- the child is then placed with the adoptive parents.

## PREPARATION FOR ADOPTION

### WHAT INFORMATION WILL I NEED TO GIVE ABOUT MYSELF?

We will need to ask you for some details about yourself. You will also be asked your thoughts regarding the most suitable family for your child. This information is valuable in the process of choosing possible adoptive families for your child. It also provides extremely valuable family and medical history for your child, which is given to the adoptive family.

### WILL THE ADOPTIVE PARENTS GIVE THE CHILD INFORMATION ABOUT THEIR BIRTH FAMILY?

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

Adoption and Family Information Service 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.

## WHAT ABOUT THE CHILD?

### HOW LONG WILL MY BABY STAY IN HOSPITAL?

Unless there are any medical concerns, most children whose parents have indicated they are considering adoption, stay in hospital until they are about five days old.

### 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. During the time you are considering the best care options 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(s), it is you who must make the final decisions. It is important that you ensure you have enough time and information to do this and believe that you are making the best decision for your child's life and for your own.

### 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 parent(s) to see and spend time with their baby.

Feelings about this can be discussed with hospital staff, or the Adoption and Family Information Service 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.

## WHAT ABOUT THE CHILD?

### WHAT ABOUT AFTER HOSPITAL - TAKING YOUR CHILD HOME, OR PLACING THEM IN FOSTER CARE?

You may decide to take your child home before deciding about adoption, or alternatively you can ask the Adoption and Family Information Service to arrange immediate foster care straight from the hospital.

### WHAT IS THE PROCESS FOR FOSTER CARE?

If you decide not to take your child home with you from hospital, he or she will be placed in short term foster care. This will be with foster parents who are approved by the Department for Families and Communities and who are skilled in caring for children whose parent(s) are considering adoption. Foster care is arranged by the Adoption and Family Information Service Social Worker when the hospital notifies them that the child is ready to leave. Placement is arranged with the written request of the parent(s).

### 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 and Family Information Service Social Worker.

### WHEN WILL MY CHILD BE PLACED WITH ADOPTIVE PARENTS?

Every effort is made to place a child with their adoptive parents as soon as possible, once the counselling process is completed and after the consent forms have been signed and the time for cancellation of consent (25 days) has expired. However, sometimes there are delays as particular details are sorted out.

## WHAT ABOUT THE CHILD?

### **CAN I HAVE CONTACT WITH MY CHILD DURING THIS TIME?**

Parent(s) have the right to see and be with their child in hospital and while he or she is in foster care. This can be a good way to help you to decide whether you do want to choose adoption for your child. You can talk with the Adoption and Family Information Service Social Worker about how to arrange this.

## HOW ARE ADOPTIVE PARENTS CHOSEN?

### **ADOPTIVE PARENTS REGISTER**

People who have applied to become adoptive parents are thoroughly assessed as to their eligibility and suitability for adoption. When they have been approved, they are registered with the Department for Families and Communities as prospective adoptive parents.

### **ARE MY WISHES CONSIDERED?**

Adoption and Family Information Service believes that it is very important to consider the wishes of mothers and fathers in making the decision to place their child with an adoptive family.

The Social Worker will encourage you to discuss the thoughts that you have 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?**

The Adoption Regulations 2004 give steps about how a family should be chosen for a child. The delegated officer in the Department is responsible for making the final decision about the best family for your child.

The details that you give about yourself, including your background, and what you want for your child's future (such as an opportunity to be involved in music, or have a life in the country, or be raised in a family with a particular religion), will be taken into account in deciding the best family for your child. The Adoption Regulations state a process by which the decision about the best family for your child is made.

# WHAT SUPPORT IS AVAILABLE?

## WILL THE ADOPTIVE PARENTS HAVE SUPPORT?

Adoption and Family Information Service is available to adoptive parents for support and information in the important first months after placement.

## ARE THERE SUPPORT SERVICES FOR ME?

During the period following the child's placement you may feel the need for support in managing through this time. Some people find that their family or close friends can provide them with the support they need. Adoption and Family Information Service is available for you and is also able to refer you to other appropriate supports.

## WHEN WILL THE ADOPTION ORDER BE MADE?

After your child has been with their adoptive family for about 3-6 months, their adoptive parents can apply in the Youth Court for an Adoption order. A report is written on the adoptive family and child and this is presented to the Court when the application for an adoption order is made. If the order is granted, it means that your child's adoptive parents become your child's legal parents.

Your legal rights and claims to your child are permanently severed by the adoption order.

## WHAT IF I HAVE FURTHER QUESTIONS?

If you have further questions that have not been answered here please feel free to contact Adoption and Family Information Service to discuss them. Everybody'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.