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# Symbols

- nil or rounded to zero
- .. not applicable
- n.a. not available

# Summary

## Background

Adoption is one of a range of options used to provide care for children who cannot live with their birth families. This report presents the latest data on adoptions of Australian children and those from overseas, while also highlighting important trends in adoptions over the last few decades.

Data for this report were obtained from the Australian Institute of Health and Welfare (AIHW) *Adoptions Australia* data collection. This data collection is a record of all finalised adoptions in Australia since 1990–91, collected from each state and territory department responsible for adoption.

## Findings

Since the early 1970s, there has been a 22-fold decrease in the number of adoptions in Australia – from 9,798 to 440 adoptions between 1971–72 and 2007–08. However, the total number of adoptions has remained relatively stable since the mid-1990s, at around 400 to 600 children per year. The overall decline in adoptions can be attributed to a fall in the number of Australian children adopted (including local and ‘known’ child adoptions). In contrast, intercountry adoptions have increased overall in the last 25 years, and have emerged as the dominant category of adoptions – representing 61% of all adoptions in 2007–08, compared with 6% in 1982–83.

In 2007–08:

- There were 440 adoptions in Australia – the lowest number of adoptions recorded since 1969–70, and a 23% decline from the previous year. However, this may be part of the normal variation in the number of adoptions over the past decade – data from future years need to be monitored to see whether this trend continues.
- Of the 440 adoptions in 2007–08, 61% were intercountry, 16% were local and 23% were ‘known’ child adoptions (see Glossary for definitions).
- Just over half of all intercountry adoptions were from China (23%), South Korea (17%) and the Philippines (15%).
- Four Aboriginal and Torres Strait Islander children were adopted in 2007–08. Only 96 Indigenous children have been adopted over the last 17 years.
- In local and intercountry adoptions, nearly all children were less than 5 years old (99% and 92% respectively); whereas for ‘known’ child adoptions, most children were aged 10 years and over (69%).
- Of the children in local and intercountry adoptions, three in five had adoptive parents aged 40 years and over, and just over half were adopted into families with no other children.
- Agreements made at the time of adoption indicate that the majority of local adoptions are now ‘open’ (77%) – only 23% of birth parents requested no contact or information exchange.
- For ‘known’ child adoptions, two-thirds of adoptions were by step-parents (67%), and just over a quarter were by carers (26%).



# 1 Introduction

An adoption is the legal process by which a person legally becomes a child of the adoptive parents and legally ceases to be a child of his/her biological parents. When an adoption order is granted, the legal relationship between the child and the biological parents is severed. The legal rights of the adopted child are as if he or she had been born to the adoptive parents, and the legal rights that exist from birth with regard to the birth parents (inheritance and name, for instance) are removed. A new birth certificate is issued to the child bearing the name(s) of his or her adoptive parent(s) as the legal parent(s), and the new name of the child, if a change has occurred.

Access by the birth parents or other relatives to the adopted child (sometimes called 'open' adoption) is facilitated in most states and territories. The degree to which this process occurs varies across the jurisdictions (see Appendix B.2).

Adoption is one of a range of options used to provide care for children who cannot live with their birth families.

## Data sources

The data included in this report were collected from the state and territory departments responsible for adoption, and collated and analysed by the Children, Youth and Families Unit of the Australian Institute of Health and Welfare (AIHW). The data were extracted from the administrative systems of the state and territory departments according to definitions and counting rules agreed to by those departments and the AIHW. Definitions of terms used in the data collection are provided in the Glossary.

Each state and territory in Australia has responsibility for all aspects of adoption within its jurisdiction and has its own legislation, policies and practices regarding adoption (see Appendix B). These differences should be taken into account when comparing data across jurisdictions.

## Purpose and structure of this report

*Adoptions Australia 2007–08*, the eighteenth report in the series, includes data on all finalised adoptions recorded by the state and territory departments responsible for adoption for the period 1 July 2007 to 30 June 2008. It presents the latest available data on the patterns and trends in adoptions in Australia.

This report has five chapters. Chapter 2 describes the different categories and processes of adoption. Chapter 3 provides an overview of all adoptions in 2007–08, including current patterns and trends. Chapter 4 presents detailed data on categories of adoption in 2007–08, including the characteristics of adopted children and their adoptive families. Data on the number of requests made for information about an adoption and the number of contact and information vetoes lodged for the same period are also presented. The main findings are then discussed in Chapter 5. More detailed statistical tables are included in Appendix A, and state and territory adoptions legislation is summarised in Appendix B.



# Adoption processes

A child is legally available for adoption if all the necessary consents to the child's adoption have been obtained or dispensed with. People wishing to adopt a child must satisfy the department or agency concerned that they will be suitable parents. Factors considered in the assessment of the suitability of potential parent(s) are their parenting capacity, age, health, reasons for wanting to adopt, marital status and the stability of their relationship. There are some variations between jurisdictions regarding eligibility requirements to adopt a child – these are outlined in Appendix B.1.

## Intercountry adoptions

The adoption process for intercountry children is strictly controlled:

- by each state and territory under the relevant state-level adoption legislation
- by the Australian Government under the *Australian Citizenship Act 2007*, *Immigration (Guardianship of Children) Act 1946*, the Family Law (Hague Convention on Intercountry Adoption) Regulations 1998, the Family Law (Bilateral Arrangements – Intercountry Adoption) Regulations 1998, and the Migration Regulations 1994
- in accordance with the principles of the *Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption* (the Convention).

The Australian Government Attorney-General's Department has primary responsibility for the management and establishment of Australia's intercountry adoption programs. The department works closely with the state and territory governments to ensure that existing programs are effectively and efficiently maintained, and that opportunities for new programs are identified and explored in a timely and efficient manner. The department and the states and territories work cooperatively to ensure that all adoption programs meet the standards of the Hague Convention. The state and territory governments are responsible for processing adoption applications and assessing and approving prospective adoptive parents. Although each state and territory has its own legislation relating to intercountry adoption, the general process is relatively similar across the jurisdictions (Figure 2.2).

In December 1998, the Hague Convention came into force in Australia:

The Convention establishes uniform standards and procedures between countries, including legally binding standards and safeguards, a system of supervision to ensure that these are observed, and channels of communication between authorities in countries of origin and countries of destination for children being adopted (Williams 1998).

The Convention protects children and their families against the risks of illegal, irregular, premature or ill-prepared adoptions overseas. It does this by establishing principles for countries to follow that focus on the need for intercountry adoptions to occur only where it is in the best interests of the child. The Convention also focuses on the need for countries to work to prevent the abduction, sale or trafficking of children. A list of countries currently party to the Hague Convention can be found in Appendix C.

From 1998–99 onwards, data on intercountry adoptions have been categorised into 'Hague' and 'non-Hague' adoptions. An adoption is classed as a 'Hague' adoption if the Hague Convention had come into force in the adoptive child's country of origin before the applicant/s file was sent overseas – that is, if the Convention had come into force before the allocation process began (Figure 2.2). All other intercountry adoptions are classed as 'non-Hague'. This includes adoptions from countries that are not party to the Hague

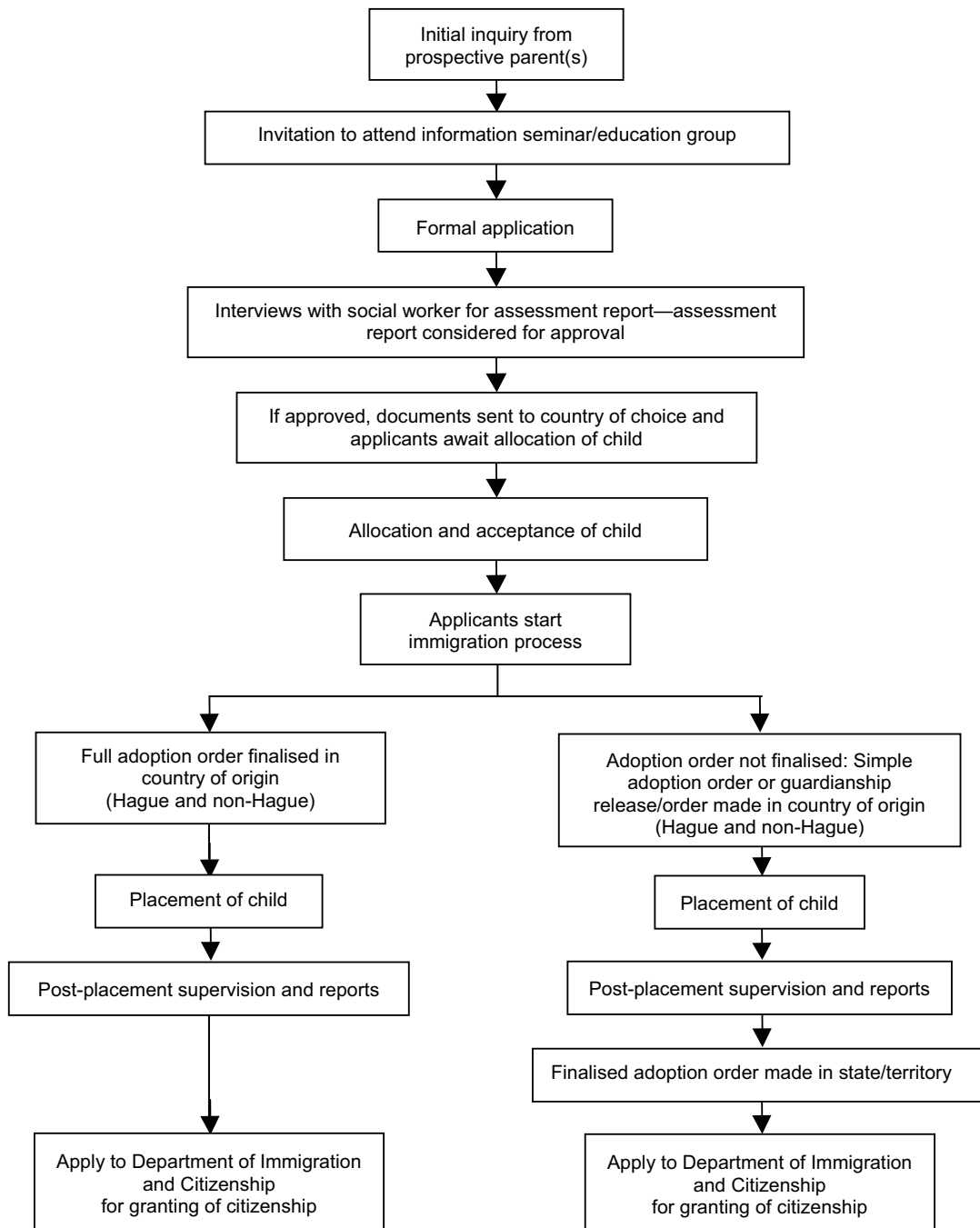
Convention, but have a bilateral arrangement with Australia. With the exception of China, these bilateral arrangements existed before Australia's ratification of the Hague Convention – Australia signed a bilateral agreement with China in December 1999.

These existing bilateral arrangements remain in place with the understanding that they will be reviewed on a regular basis, to ensure that they comply with the principles of the Convention. The most recent review, in 2004, recommended that the bilateral arrangements with China, Ethiopia, Fiji, Hong Kong, South Korea and Taiwan continue. This decision was endorsed by the Community and Disability Services Ministers' Conference in July 2005. Subsequent to this review, China ratified the Hague Convention in January 2006. The Community and Disability Services Ministers' Advisory Council have since agreed for further program reviews to be undertaken in accordance with the *Intercountry Adoption Strategic Plan 2008*.

The data on 'Hague' adoptions are also used by the Attorney-General's Department – the Australian Central Authority for the Hague Convention in Australia – to provide statistical reports to the Hague Conference on Private International Law. The Australian Central Authority is responsible for ensuring that Australia fulfils its obligations under the Convention. In accordance with its responsibilities for intercountry adoption, each state and territory has established a Central Authority under the Convention.

An intercountry adoption may be finalised using either of the following processes. A full adoption order can be made in the child's country of origin – this adoption order is recognised in Australia (Figure 2.2). Alternatively, for children whose adoption orders are not finalised in the country of origin, the federal Minister for Immigration and Citizenship assumes guardianship of the child. Once the child arrives in Australia, the Minister then delegates this guardianship to the relevant state or territory minister or department head – this arrangement remains in place until an adoption order is finalised in the relevant state or territory (Boss 1992:39).

In November 2005, a report was released on the inquiry into the adoption of children from overseas by the House of Representatives Standing Committee on Family and Human Services (HRSCFHS 2005). The committee made 27 recommendations, and the government responses to these recommendations were subsequently released in September 2006 (Commonwealth Government 2006). Twelve of these recommendations have been fully implemented and many others are in progress. In response to one of the recommendations, the Attorney-General's Department has now taken on primary responsibility for all of Australia's intercountry adoption programs.

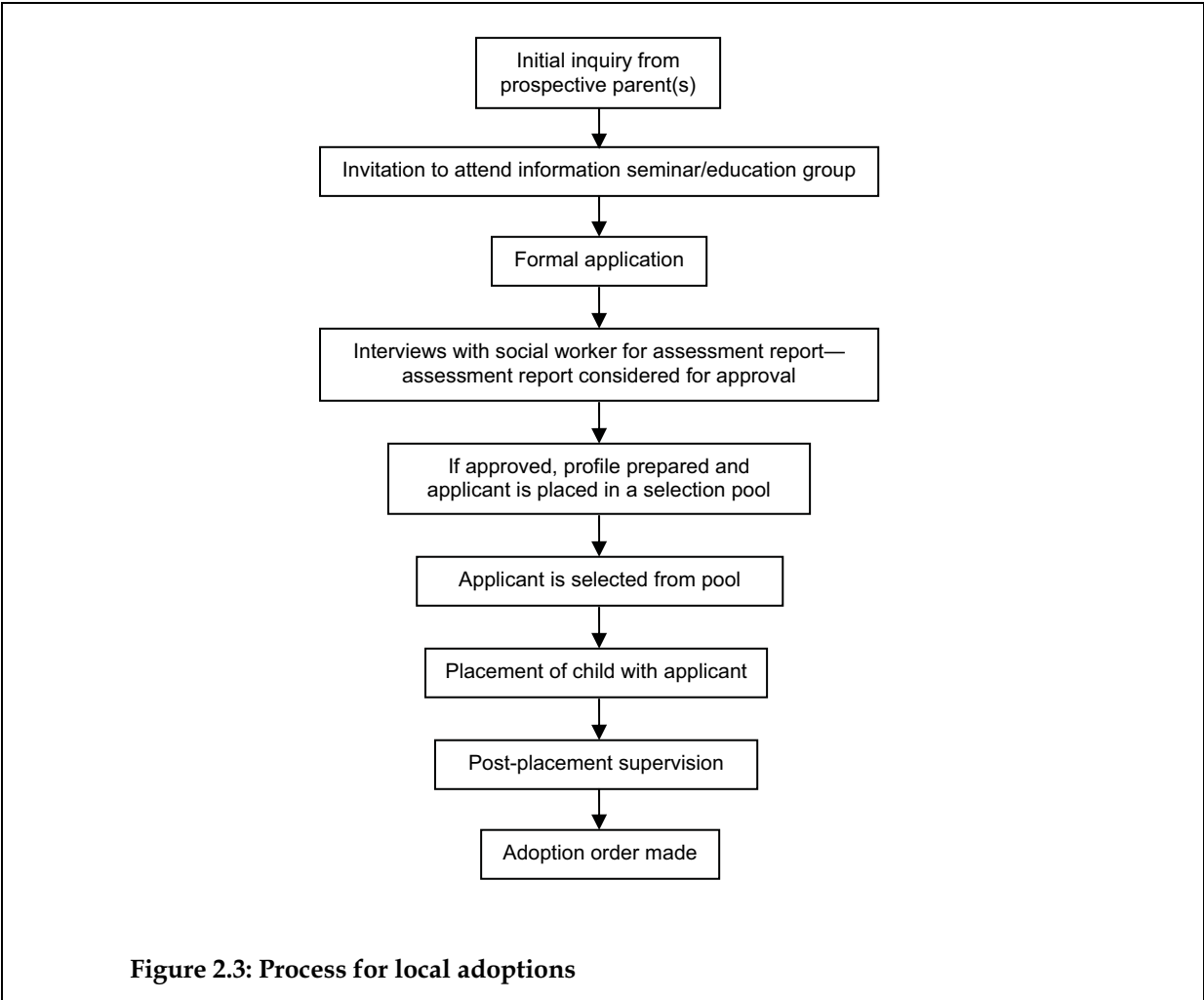


*Note:* Where a child's adoption order is not finalised in the country of origin, the Australian and state/territory governments assume guardianship of the child until the adoption order is finalised in Australia—refer to page 4 for more details.

**Figure 2.2: Process for intercountry adoptions**

# Local adoptions

For local adoptions, the guardianship of a child for whom a general consent for adoption has been signed generally resides with the state/territory department responsible for adoption. For some approved non-government adoption agencies, the guardianship resides with the principal officer of the agency. The guardianship of a child remains in force until the adoption order is made, the consent for adoption is revoked, or some other specified event occurs. Figure 2.3 provides an overview of the process involved in the placement of local children with prospective adoptive parent(s), although the precise order of the steps may vary slightly between jurisdictions.



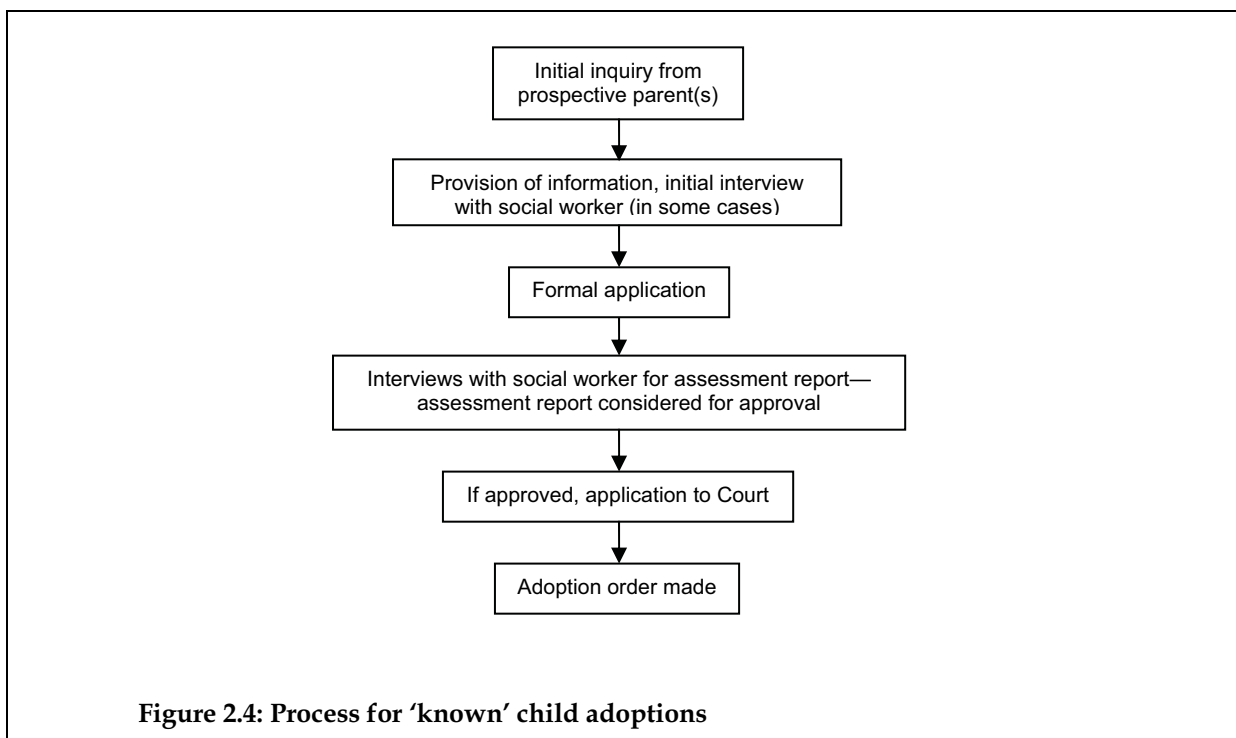
## ‘Known’ child adoptions

‘Known’ child adoptions are administered by the department responsible for adoption in each state and territory.

The majority of ‘known’ child adoptions are by step-parents wishing to incorporate children into the new family. The aim of step-parent adoption is to provide the child with a clear legal position and status within the new family arrangement (DCHS 1994). Adoption by relatives other than step-parents is less common, because most states and territories have policies that promote the use of parental responsibility orders, rather than adoption (for example, the use of permanent care and guardianship/custody orders). Adoptions by relatives are generally discouraged because of the confusion and distortion that may occur to biological relationships. For example, if a child were adopted by his or her grandmother, then the birth parent would become the child’s sibling (DoCS 2007).

In Western Australia, adoptions by relatives other than step-parents are no longer permitted under the 2003 amendments made to the *Adoption Act 1994*, and adoptions by carers can occur only when the child has been in their care for at least 3 years. In all other states and territories, legislative provisions allow for adoptions by carers, or relatives other than step-parents, only in exceptional circumstances, that is, when a guardianship or custody order would not adequately provide for the welfare of the child (Appendix B.1).

Each state and territory has its own process for the adoption of ‘known’ children by prospective parent(s). Figure 2.4 provides a broad outline of this process, although the precise order of the steps may vary slightly between jurisdictions.



# 3 An overview of adoptions in Australia

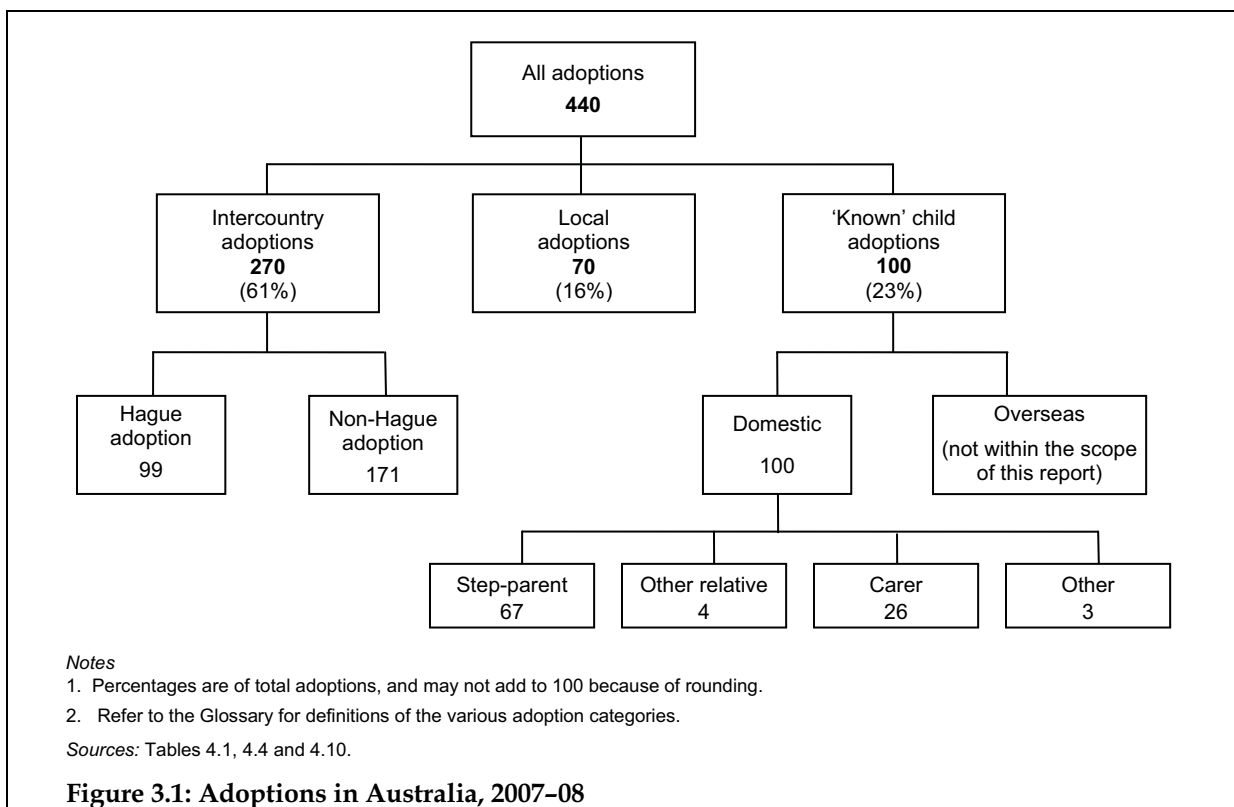
## Adoptions in 2007–08

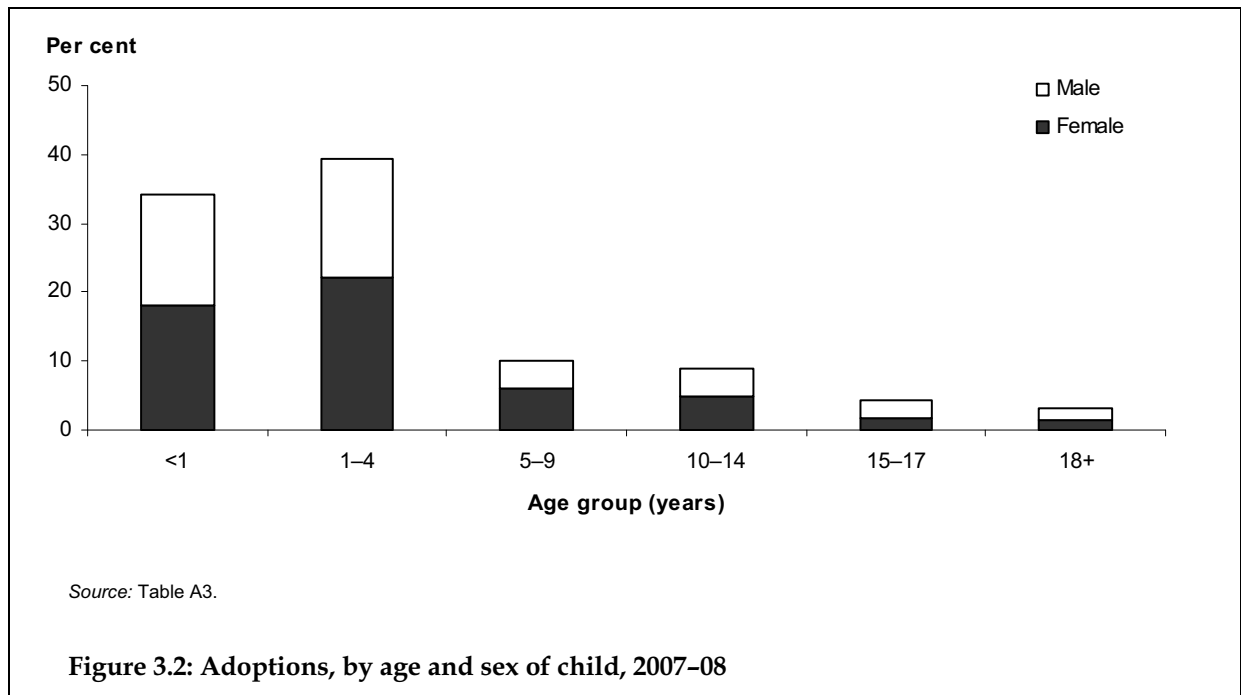
In 2007–08, there were 440 adoptions of children in Australia, a 23% decrease from the previous year, and the lowest number of adoptions recorded since 1969–70 (Figure 3.1; Table A1). Of all adoptions in 2007–08, 61% were intercountry adoptions, 16% were local adoptions and 23% were 'known' child adoptions (see Chapter 2 and the Glossary for definitions of these categories).

In 2007–08, around three-quarters of all adopted children were aged under 5 years (74%). One-third of all adoptions were of infants less than 1 year old (34%). More females than males were adopted (54% compared with 46%) (Figure 3.2).

The number and rate of adoptions varied considerably across the states and territories. Although the states with larger populations (New South Wales, Victoria and Queensland) had the highest number of adoptions in 2007–08, they had low adoption rates. Rates of adoptions were highest in Tasmania, the Australian Capital Territory and the Northern Territory (Table 3.1).

For local and intercountry adoptions, children are placed with their adoptive families before their adoption order is finalised (figures 2.2 and 2.3). There were 332 such children placed with their adoptive families during 2007–08 (Table A2). Some children placed for adoption during this period may not have their adoption finalised until the following year. In addition, some adoption orders finalised in 2007–08 may relate to children who were placed in the previous year.





**Table 3.1: Number and rate of adoptions, by state and territory, 2007-08**

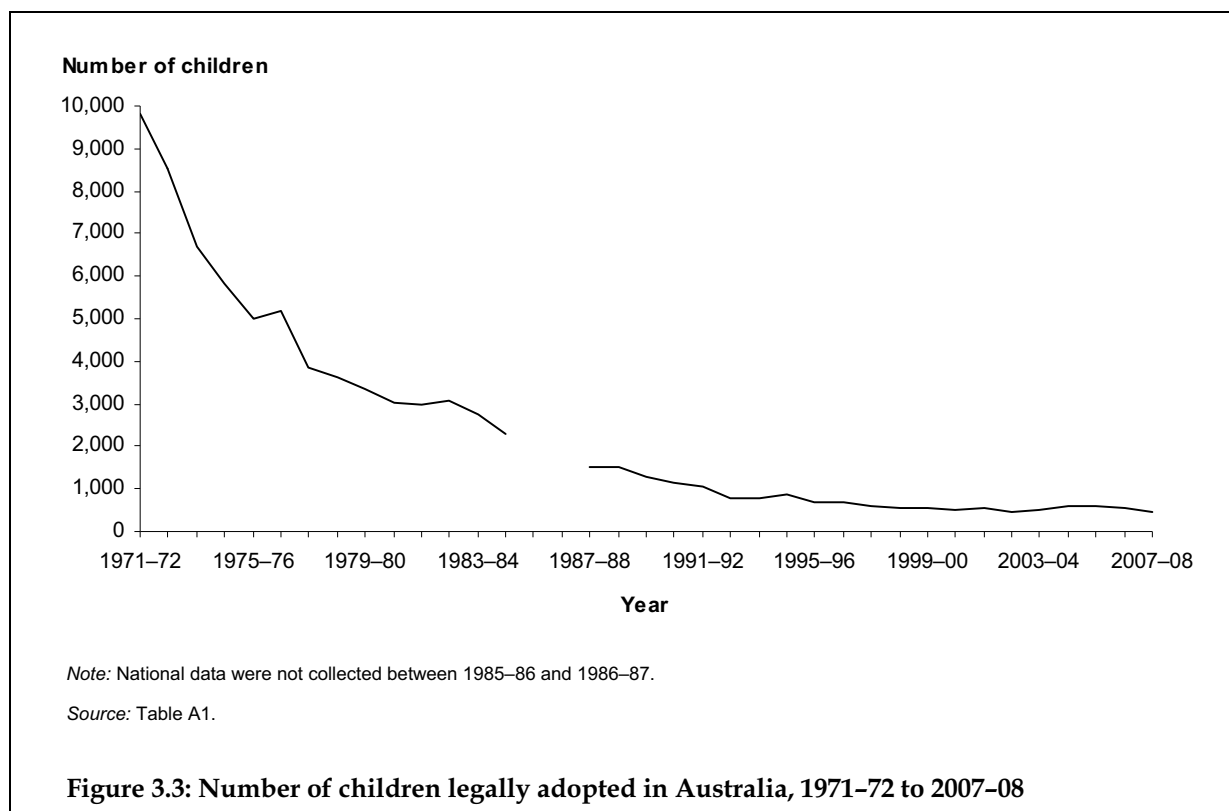
State/territory	Number of adoptions	Adoptions per 100,000 population <sup>(a)</sup>
New South Wales	125	1.8
Victoria	98	1.9
Queensland	86	2.0
Western Australia	41	1.9
South Australia	36	2.3
Tasmania	31	6.3
Australian Capital Territory	14	4.1
Northern Territory	9	4.1
<b>Australia</b>	<b>440</b>	<b>2.1</b>

(a) Rate for ABS estimated resident population in each state/territory at 31 December 2007 (all ages).

Source: AIHW Adoptions Australia data collection.

## Trends

The number of adoptions in Australia has declined considerably since the 1970s – from almost 10,000 in 1971–72, to 440 in 2007–08 (Figure 3.3). This coincides with declining fertility rates, and an increasing proportion of children born outside registered marriage (ABS 2008). The availability of more effective birth control and the emergence of family planning centres, combined with increasing social acceptance of raising children outside registered marriage, and increased levels of support available to lone parents, have contributed to these trends (ABS 1998). Since the late 1990s, the number of adoptions has fluctuated from year to year, but has remained relatively stable at around 400 to 600 children per year.

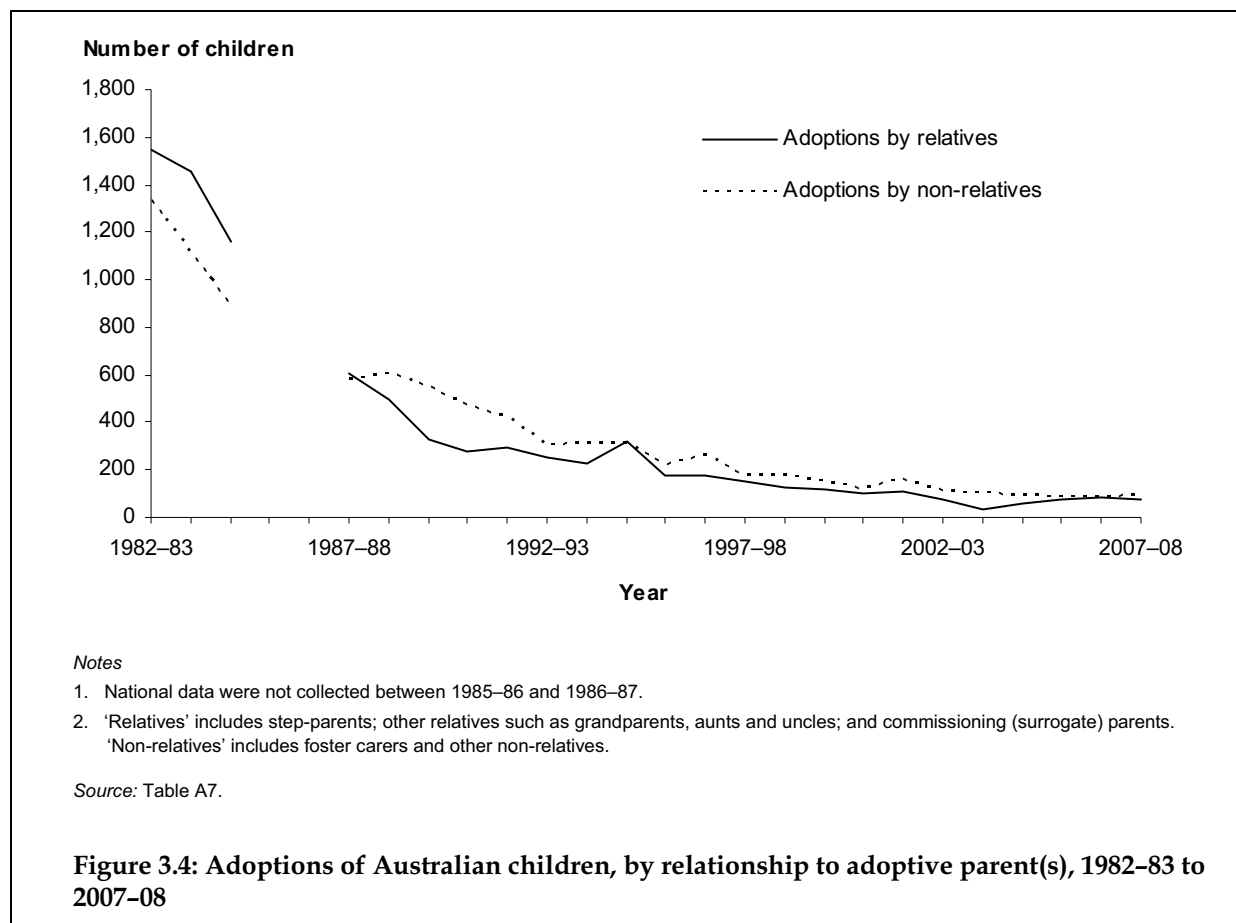


### Trends in categories of adoptions

#### Adoption of Australian children

The overall decline in adoptions in the last 25 years can be attributed to the fall in the number of Australian children adopted – a 17-fold decline, from 2,884 to 170 between 1982–83 and 2007–08 (Table A4).

Although changes to the adoption categories in 1998–99 limit the amount of trend data available for local and ‘known’ child adoptions of Australian children (Figure 2.1), it is possible to explore trends for adoptions by relatives and non-relatives over a longer time period. The number of Australian children adopted by relatives and non-relatives has fluctuated in the past 25 years, but has decreased overall (Figure 3.4). Between 1982–83 and 2007–08, this decline was greater in adoptions by relatives than by non-relatives – a 21-fold decline from 1,548 to 74 adoptions, compared with a 14-fold decline from 1,336 to 96 adoptions.



Both local and 'known' child adoptions have fluctuated over time, but decreased overall since 1998-99 – from 127 to 70 adoptions, and from 172 to 100 adoptions, respectively (tables A5 and A6).

### Intercountry adoptions

The number of children adopted from overseas has fluctuated over time, but increased by more than 40% over the 25 years between 1982-83 and 2007-08 – from 188 to 270 adoptions (Table A4). Intercountry adoption has also clearly emerged as the dominant category of adoptions in recent years – in 2007-08, intercountry adoptions represented 61% of all adoptions, compared with 6% of adoptions in 1982-83 (Figure 3.5).

In accordance with these trends, the key countries of origin have also varied. Although the majority of intercountry adoptions have consistently been from Asia since the early 1990s, there have been considerable changes in the proportion of children adopted from Africa and South/Central America (Figure 3.6).

Children from African countries made up 13% of all intercountry adoptions in 2007-08, up from less than 1% in 1991-92. This increase can be directly attributed to a 7-fold increase in adoptions from Ethiopia between 1995-96 and 2007-08.

The proportion of children adopted from South/Central American countries has been steadily declining since the early 1990s – from 26% of all intercountry adoptions in 1992-93 to 2% in 2007-08. This is largely due to a 13-fold decrease in the number of children adopted from Columbia between 1992-93 and 2007-08 – reflecting efforts by this country in recent years to giving local adoption a higher priority. However, the number of adoptions from

these countries represents a relatively small proportion of all intercountry adoptions in Australia.

There have also been some notable changes among the Asian countries of origin since the early 1990s. South Korea was the leading country of origin between 1991–92 and 2002–03. However, since Australia signed a bilateral agreement with China in 1999, the number of children adopted from China increased (a 4-fold increase between 2000–01 and 2007–08), and China has become the leading country of origin since 2003–04.

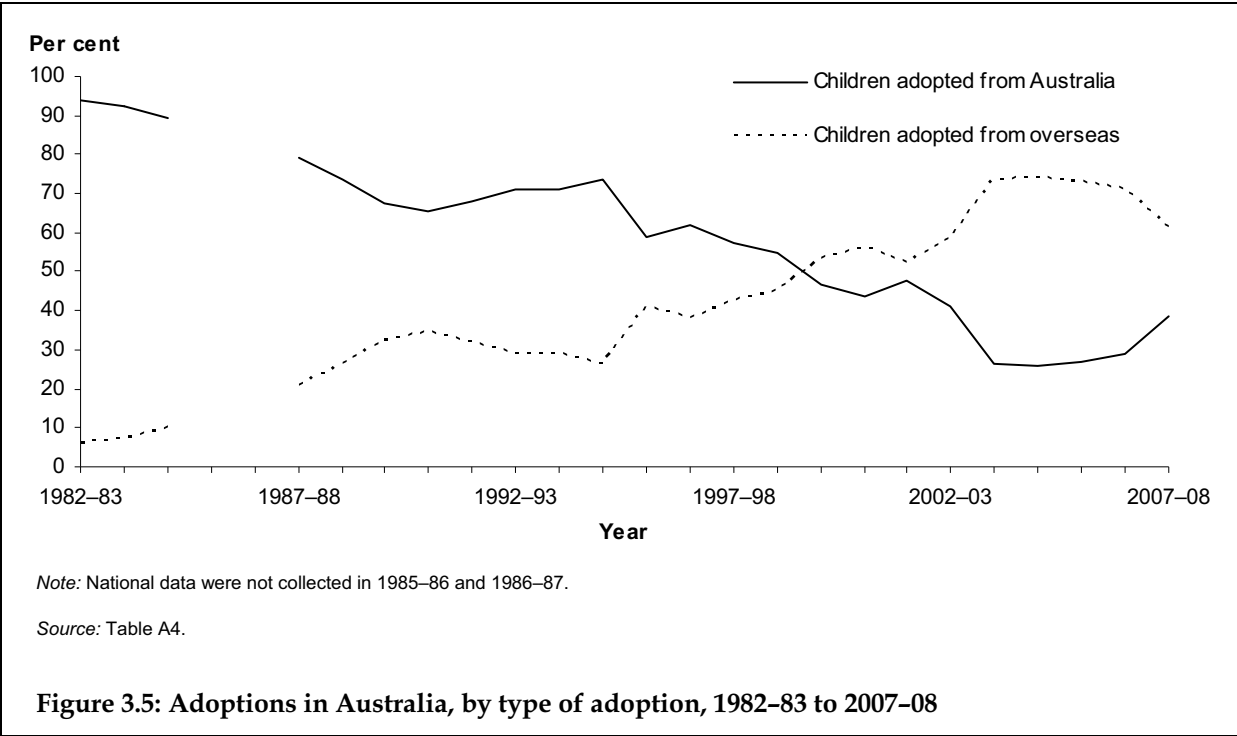


Figure 3.5: Adoptions in Australia, by type of adoption, 1982-83 to 2007-08

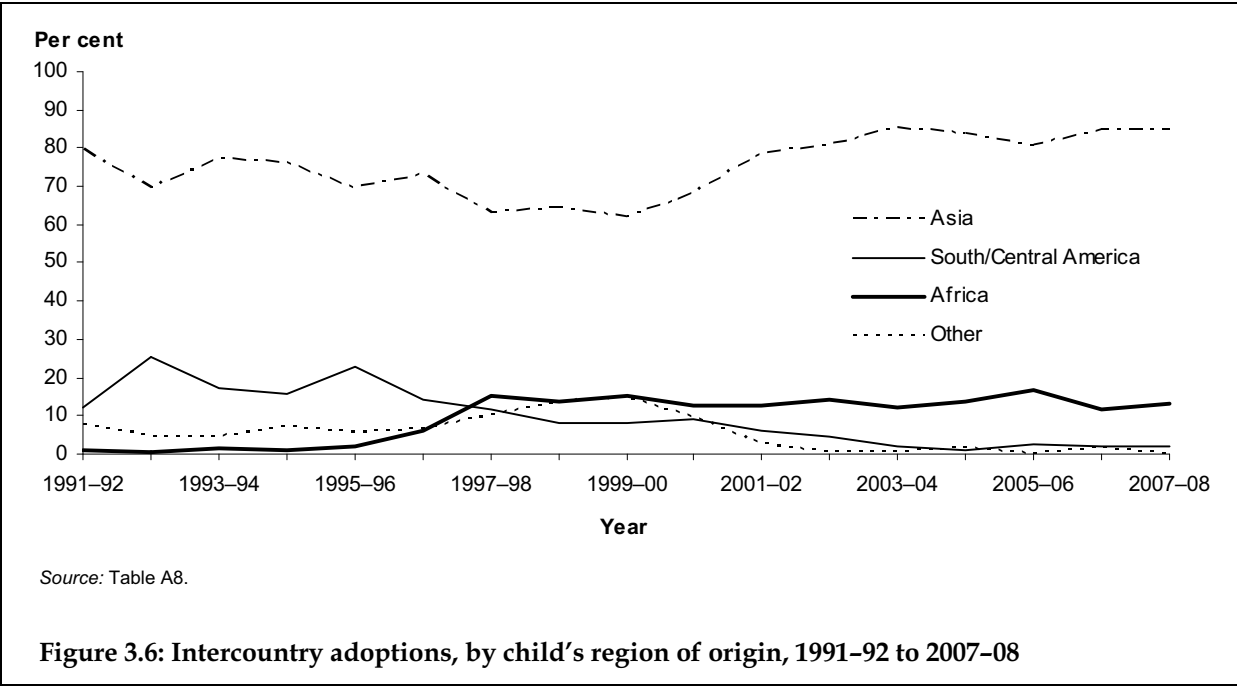


Figure 3.6: Intercountry adoptions, by child's region of origin, 1991-92 to 2007-08

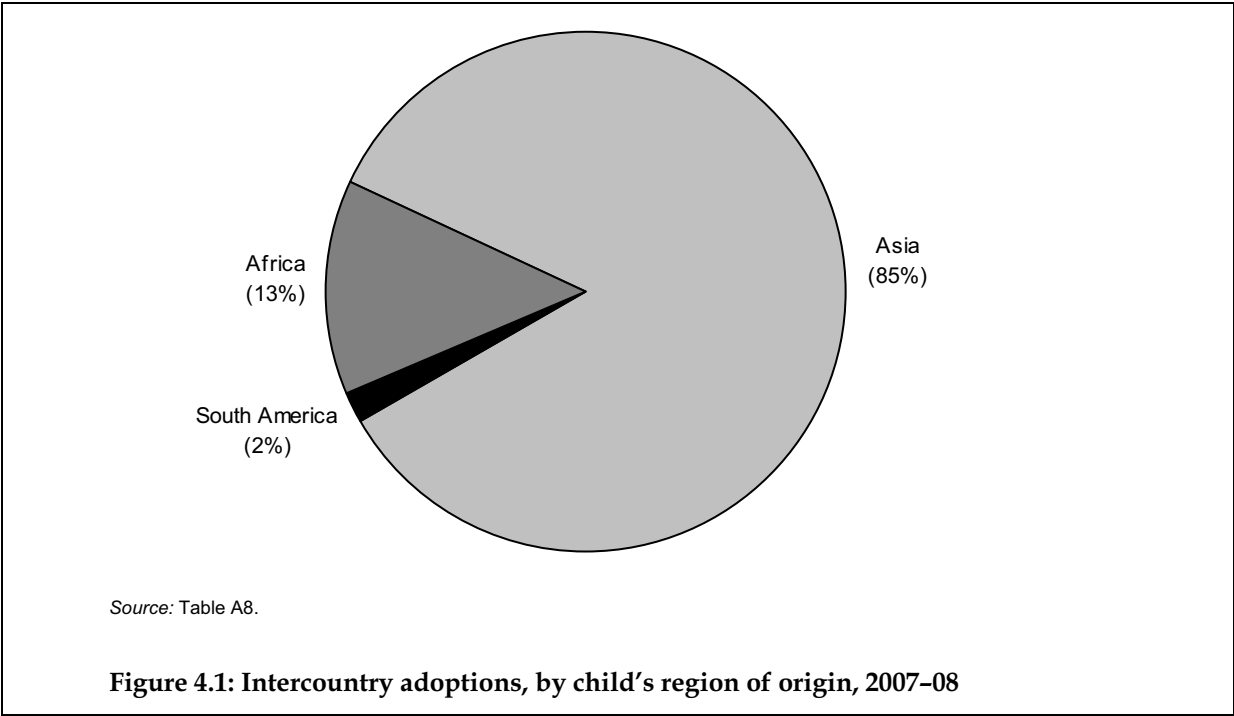
# 4 Detailed information

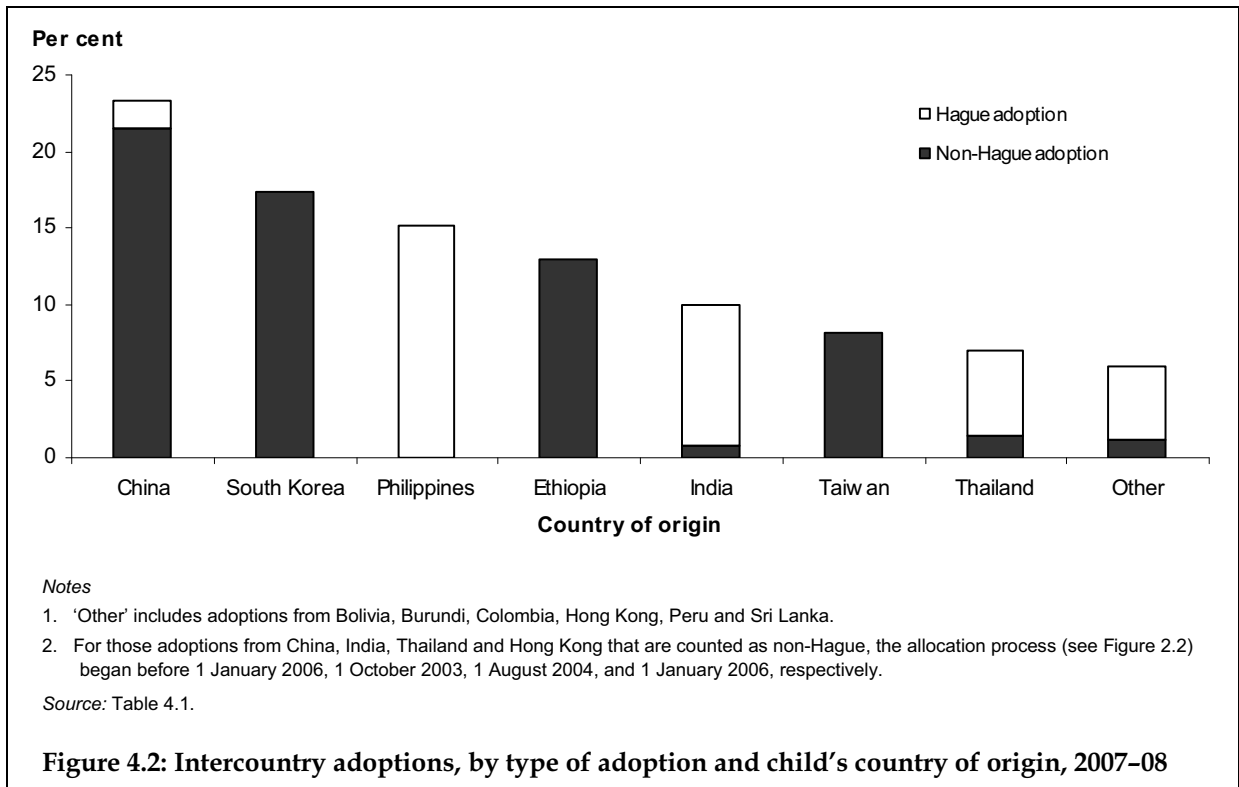
## Intercountry adoptions

There were 270 intercountry adoptions in 2007-08, representing 61% of all adoptions (Figure 3.1; Table 4.1). The number of intercountry adoptions has declined by 33% from 2006-07, largely attributable to falls in the number of adoptions from China and South Korea (50% and 41% decreases, respectively) (tables A9 and A10).

### Country of origin

- In 2007-08, 85% of intercountry adoptions were of children from Asia, 13% were from Africa, and the remainder were from South America (Figure 4.1).
- Just over two-thirds of all intercountry adoptions were from the following countries: China (23%), South Korea (17%), the Philippines (15%) and Ethiopia (13%) (Figure 4.2).
- Of the total number of intercountry children adopted in the past decade, 25% have come from South Korea, 20% from China and 14% from Ethiopia (Table A10).
- In 2007-08, 37% of intercountry adoptions were Hague adoptions, an increase from 23% in 2006-07 (Table 4.1; AIHW 2008).





**Table 4.1: Number of intercountry adoptions, by type of adoption, by child's country of origin, 2007–08**

Country of origin	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Australia
<b>Hague adoptions</b>									
China <sup>(a)</sup>	3	2	—	—	—	—	—	—	5
Colombia	2	—	—	—	—	—	1	—	3
India	2	10	5	1	2	3	1	1	25
Philippines	19	8	5	2	4	2	—	1	41
Sri Lanka	1	3	1	—	—	—	1	—	6
Thailand	—	4	4	2	2	2	1	—	15
Other <sup>(b)</sup>	1	—	1	2	—	—	—	—	4
<i>Total Hague adoptions</i>	<b>28</b>	<b>27</b>	<b>16</b>	<b>7</b>	<b>8</b>	<b>7</b>	<b>4</b>	<b>2</b>	<b>99</b>
<b>Non-Hague adoptions</b>									
China <sup>(a)</sup>	23	12	—	5	6	9	—	3	58
Ethiopia	7	6	9	1	5	5	—	2	35
Hong Kong <sup>(c)</sup>	—	2	—	1	—	—	—	—	3
India	—	—	—	—	1	1	—	—	2
South Korea	12	16	9	3	5	1	1	—	47
Taiwan	2	—	13	—	7	—	—	—	22
Thailand	1	3	—	—	—	—	—	—	4
<i>Total non-Hague adoptions</i>	<b>45</b>	<b>39</b>	<b>31</b>	<b>10</b>	<b>24</b>	<b>16</b>	<b>1</b>	<b>5</b>	<b>171</b>
<b>Total intercountry adoptions</b>	<b>73</b>	<b>66</b>	<b>47</b>	<b>17</b>	<b>32</b>	<b>23</b>	<b>5</b>	<b>7</b>	<b>270</b>
<b>Per cent of intercountry adoptions</b>	<b>27.0</b>	<b>24.4</b>	<b>17.4</b>	<b>6.3</b>	<b>11.9</b>	<b>8.5</b>	<b>1.9</b>	<b>2.6</b>	<b>100.0</b>

(a) Excludes Special Administrative Regions and Taiwan Province.

(b) 'Other' includes Bolivia, Burundi, Hong Kong and Peru.

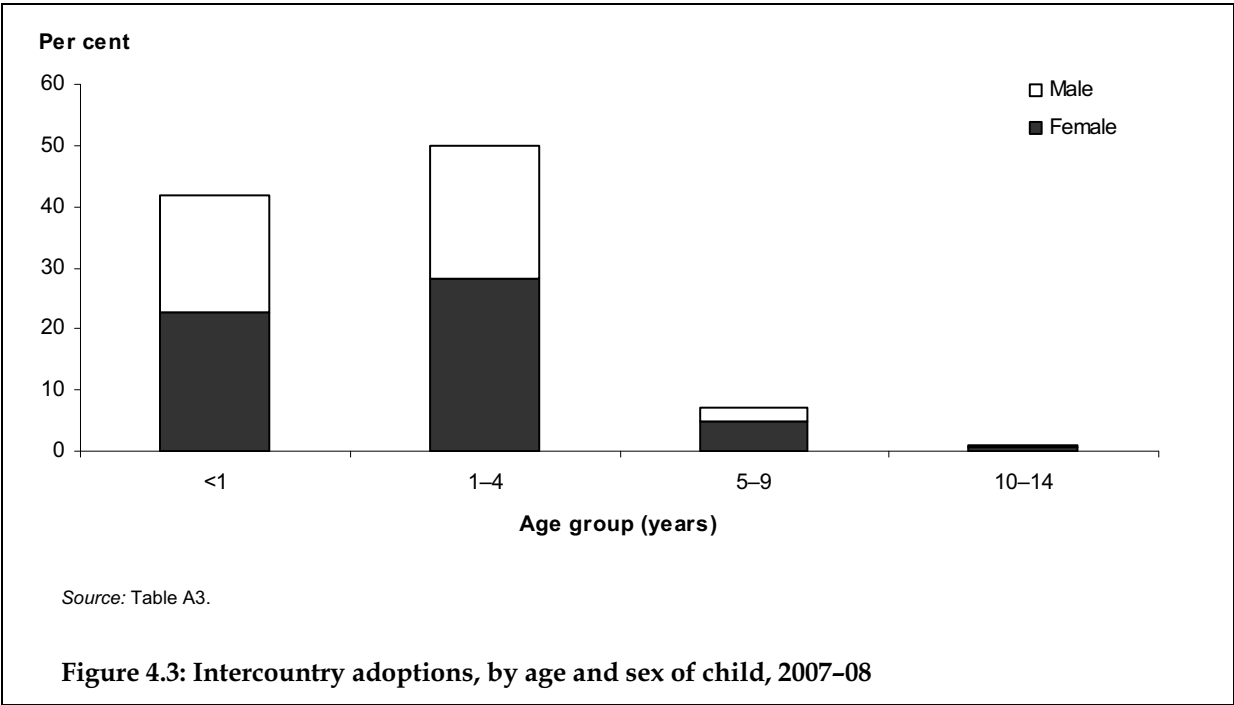
(c) Special Administrative Region of China.

*Note:* For those adoptions from China, India, Thailand and Hong Kong that are counted as non-Hague, the allocation process (see Figure 2.2) began before 1 January 2006, 1 October 2003, 1 August 2004, and 1 January 2006, respectively.

*Source:* AIHW Adoptions Australia data collection.

**Characteristics of adopted children**

- The majority of children in intercountry adoptions were aged under 5 years (92%). Around two-fifths of all adoptions were of infants less than 1 year old (42%) (Figure 4.3).
- Children who were the subject of non-Hague adoptions were more likely to be infants – 58% of non-Hague adoptions were of children aged less than 1 year, compared with 14% of Hague adoptions (Table A11).
- A slightly higher proportion of females than males were adopted (56% compared with 44%) (Table A3).
- The majority of intercountry adoptions were of single children, but 9% of children were adopted as part of a sibling group. Similar numbers of sibling groups were adopted through Hague and non-Hague adoptions (Table A12).

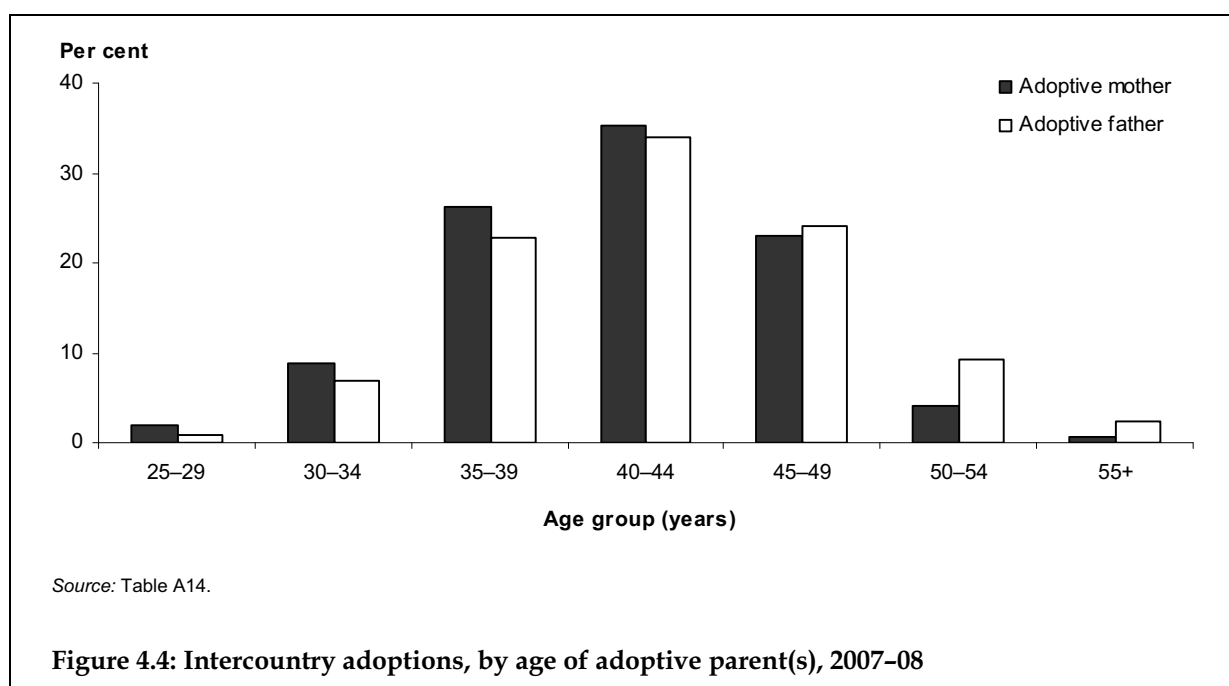


**Administration of Hague adoptions**

- In 2007-08, 83% of children who were the subject of Hague adoptions entered Australia under guardianship orders, and then had their adoption orders finalised in Australia. The remaining 17% of children entered Australia under full adoption orders made in their country of origin (Table A13).
- Half of those children entering Australia under guardianship orders were from the Philippines (50%), almost one-third were from India (30%) and around one-sixth were from Thailand (18%) (Table A13).

## Characteristics of adoptive families

- Two-thirds of the adoptive parents (66%) were aged 40 years and over (Figure 4.4).
- Nearly all intercountry adoptions were made by couples in a registered marriage (96%) (Table 4.2).
- Similar proportions of children were adopted into families with no other children as into families with children (51% compared with 49%). Over one-quarter of the adoptive families had adopted children only (29%), and a further 15% had biological children only (Table 4.3).
- The types of families children were adopted into were similar across Hague and non-Hague adoptions (Table 4.3).



**Table 4.2: Intercountry adoptions, by type of adoption, by marital status of the adoptive parent(s), 2007-08**

Marital status of the adoptive parent(s)	Hague adoption		Non-Hague adoption		All intercountry adoptions	
	Number	Per cent	Number	Per cent	Number	Per cent
Registered married couples	97	98.0	163	95.3	260	96.3
De facto married couples	—	—	2	1.2	2	0.7
Single person <sup>(a)</sup>	2	2.0	6	3.5	8	3.0
<b>Total</b>	<b>99</b>	<b>100.0</b>	<b>171</b>	<b>100.0</b>	<b>270</b>	<b>100.0</b>

(a) May include widowed parents.

Source: AIHW Adoptions Australia data collection.

**Table 4.3: Intercountry adoptions, by type of adoption, by composition of the adoptive family, 2007–08**

Composition of the adoptive family	Hague adoption		Non-Hague adoption		All intercountry adoptions	
	Number	Per cent	Number	Per cent	Number	Per cent
No other children in the family	36	50.7	64	50.8	100	50.8
Biological children only	6	8.5	24	19.0	30	15.2
Adopted children only	23	32.4	34	27.0	57	28.9
Both biological and adopted children	4	5.6	3	2.4	7	3.6
Other	2	2.8	1	0.8	3	1.5
<b>Total<sup>(a)</sup></b>	<b>71</b>	<b>100.0</b>	<b>126</b>	<b>100.0</b>	<b>197</b>	<b>100.0</b>

(a) Excludes adoptions from New South Wales, which was unable to report on composition of family.

Note: Percentages may not add to 100 due to rounding.

Source: AIHW Adoptions Australia data collection.

## Other intercountry adoptions

One type of intercountry adoption is excluded from this collection as it falls outside the jurisdiction of the Australian state and territory departments responsible for adoption. These are adoptions by Australian citizens or permanent residents who have lived overseas for 12 months or more and have adopted a child through an overseas agency or government authority. In such cases, the prospective adoptive parents are required to prove that they were not living overseas for the purpose of bypassing the legal requirements for the entry of adopted children into Australia, and that they have lawfully acquired full parental rights in adopting the child. The child is then required to have an adoption-specific visa in order to enter Australia.

In 2007–08, there were 100 such visas issued for children who were adopted through an overseas agency/authority, and whose adoptive parents lived overseas for 12 months or more (Table A15). This was a 10% decrease from 2006–07, when 111 visas were issued (AIHW 2006:18). In 2007–08, visas were issued from 41 countries, compared with 37 countries in 2006–07.

A further 297 visas were issued for standard intercountry adoptions that were arranged by an Australian state/territory authority (Table A15). However, not all children who were issued with visas in 2007–08 may have entered Australia during that period.

# Local adoptions

In 2007–08, there were 70 local adoptions, representing 16% of all adoptions (Table 4.4; Figure 3.1). The number of local adoptions has fluctuated over time, but has remained at a similar level since 2002–03 (Table A5).

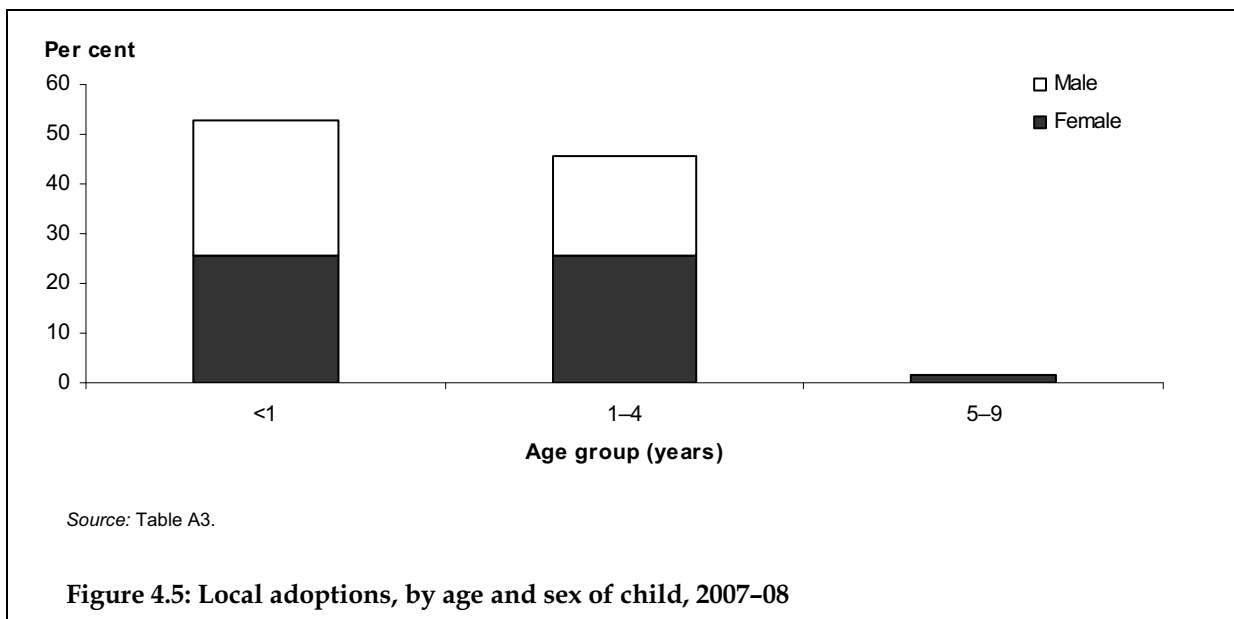
**Table 4.4: Local adoptions, by state and territory, 2007–08**

State/territory	Number	Per cent
New South Wales	15	21.4
Victoria	27	38.6
Queensland	17	24.3
Western Australia	3	4.3
South Australia	1	1.4
Tasmania	3	4.3
Australian Capital	3	4.3
Northern Territory	1	1.4
<b>Australia</b>	<b>70</b>	<b>100.0</b>

Source: AIHW Adoptions Australia data collection.

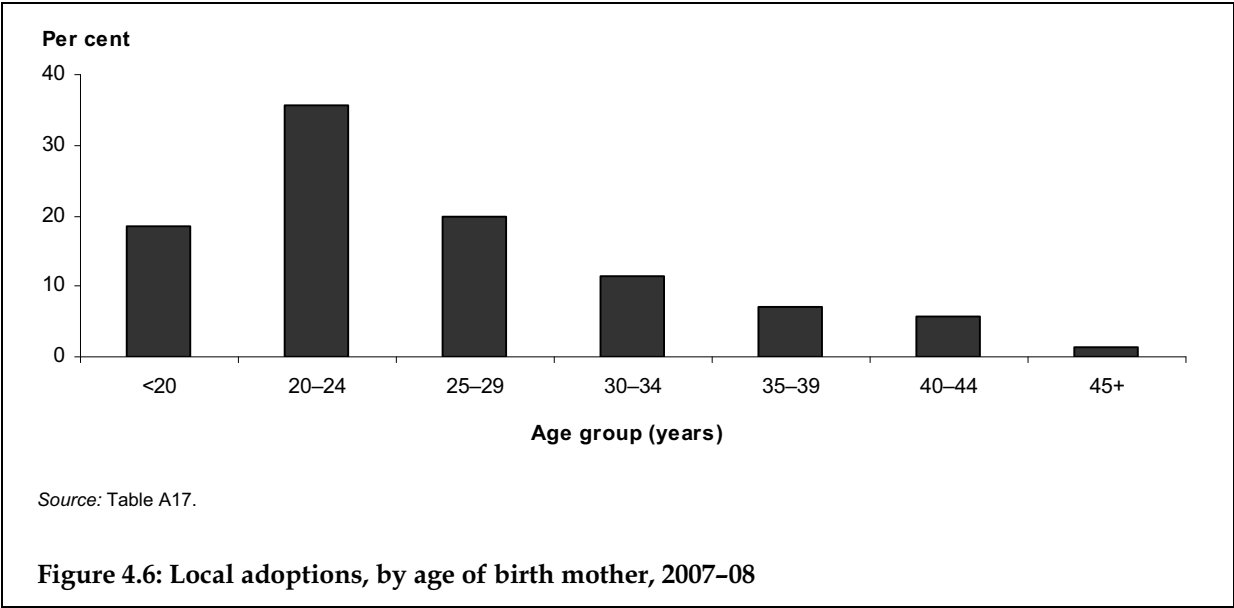
## Characteristics of adopted children

- All local adoptions, except one, were of children aged under 5 years (99%). Just over half of all adoptions were of infants less than 1 year old (53%) (Figure 4.5).
- A slightly higher proportion of females than males were adopted (53% compared with 47%, respectively) (Table A3).
- No children were adopted as part of a sibling group (Table A12).



**Characteristics of birth mothers**

- Around one-fifth of the children adopted (19%) had birth mothers who were under 20 years of age. A further 26% had birth mothers aged 30 years or over (Figure 4.6).
- In 2007-08, birth mothers were a similar age to those in previous years – a median age of 24.0 years (Table A16).
- Almost one-third of children adopted were born to mothers who were in a registered marriage (31%). This is a notably higher proportion than in previous years, and the highest recorded since 1998-99 (Table A18).



**Administration of local adoptions**

- In two-thirds of local adoptions (67%), consent to the adoption was given by the birth mother only – this may reflect the high proportion of mothers who were not in a registered marriage at the time of birth. The remaining 33% of local adoptions had consent from both birth parents (Table 4.5).
- Agreements made at the time of adoption indicate that the majority of local adoptions are now ‘open’ (77%) – only 23% of birth parents requested ‘no contact or information exchange’ (Table 4.6). However, this is the lowest proportion of ‘open’ adoptions recorded since 1998-99 (Table A19).
- Almost two-thirds (66%) of local adoptions were arranged by the state and territory government departments, and the rest (34%) were arranged by non-government agencies (Table A20).

**Table 4.5: Local adoptions, by type of consent, 2007–08**

Type of consent given	Number	Per cent
From birth mother only <sup>(a)</sup>	47	67.1
From birth father only <sup>(b)</sup>	—	—
From both birth parents	23	32.9
Both birth parents' consent dispensed/not required	—	—
<b>Total</b>	<b>70</b>	<b>100.0</b>

(a) Birth father's consent dispensed/not required.

(b) With dispensation of birth mother's consent.

*Note:* Consent for local adoptions is usually required from both birth parents. Therefore, dispensation of consent is usually only provided, by the relevant court in each state/territory, when the birth parent(s) are unable to give consent themselves.

*Source:* AIHW Adoptions Australia data collection.

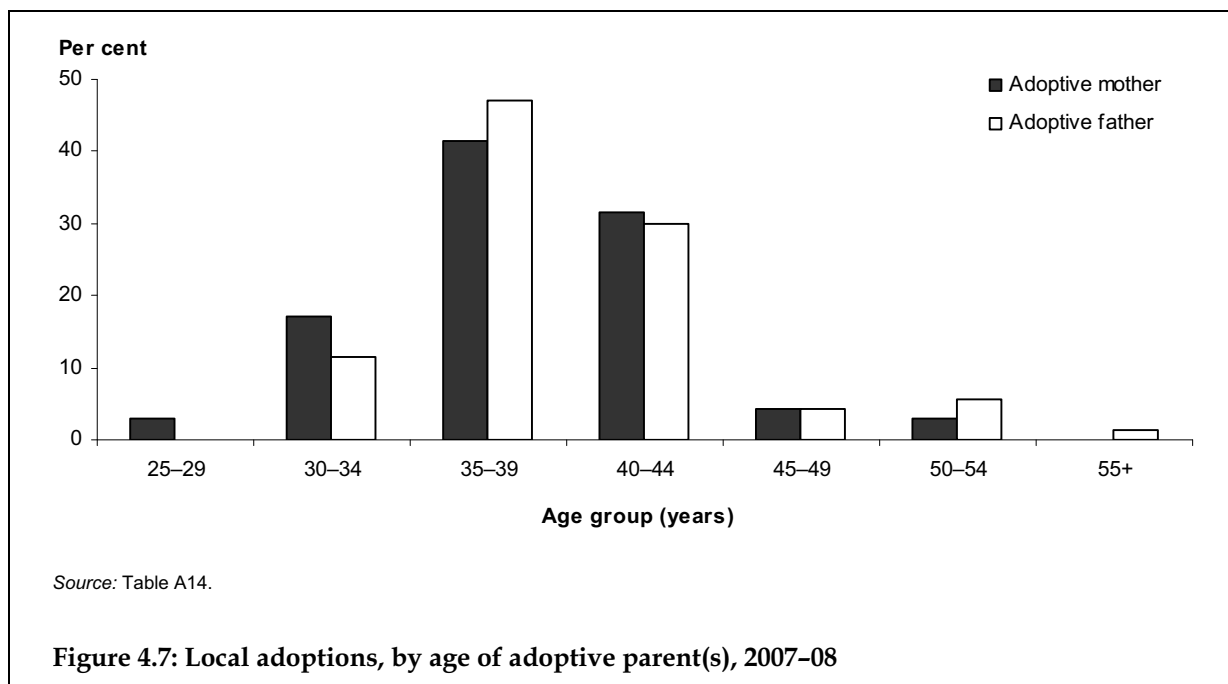
**Table 4.6: Local adoptions, by type of agreement, 2007–08**

Type of agreement	Number	Per cent
Contact and information exchange	32	45.7
Contact only	—	—
Information exchange only	22	31.4
No contact or information exchange	16	22.9
<b>Total</b>	<b>70</b>	<b>100.0</b>

*Source:* AIHW Adoptions Australia data collection.

### Characteristics of adoptive families

- Two-fifths of the adoptive parents were aged 40 years and over (Figure 4.7).
- Nearly all local adoptions were by couples who were in a registered marriage (97%) (Table 4.7).
- More children were adopted into families with no other children than into families with children (58% compared with 42%). Almost one-quarter of the adoptive families had adopted children only (24%), and a further 13% had biological children only (Table 4.8).



**Table 4.7: Local adoptions, by marital status of the adoptive parent(s), 2007-08**

Marital status of the adoptive parent(s)	Number	Per cent
Registered married couples	68	97.1
De facto married couples	2	2.9
Single person <sup>(a)</sup>	—	—
<b>Total</b>	<b>70</b>	<b>100.0</b>

(a) May include widowed parents.

Source: AIHW Adoptions Australia data collection.

**Table 4.8: Local adoptions, by composition of the adoptive family, 2007-08**

Composition of the adoptive family	Number <sup>(a)</sup>	Per cent
No other children in the family	32	58.2
Biological children only	7	12.7
Adopted children only	13	23.6
Both biological and adopted children	2	3.6
Other <sup>(b)</sup>	1	1.8
<b>Total</b>	<b>55</b>	<b>100.0</b>

(a) Excludes adoptions from New South Wales, which was unable to report on composition of family.

(b) 'Other' includes families with foster children, and/or other non-biological and non-adopted children.

Source: AIHW Adoptions Australia data collection.

## ‘Known’ child adoptions

There were 100 ‘known’ child adoptions in 2007–08, representing 23% of all adoptions (Figure 3.1; Table 4.9). The number of ‘known’ child adoptions has decreased by 4% from 104 adoptions in 2006–07 (Table A6). In 2007–08, two-thirds of adoptions were by step-parents (67%), with a further 26% by carers – similar proportions to previous years (Table 4.10; Table A21).

**Table 4.9: ‘Known’ child adoptions, by state and territory, 2007–08**

State/territory	Number <sup>(a)</sup>	Per cent
New South Wales	37	37.0
Victoria	5	5.0
Queensland	22	22.0
Western Australia	21	21.0
South Australia	3	3.0
Tasmania	5	5.0
Australian Capital Territory	6	6.0
Northern Territory	1	1.0
<b>Australia</b>	<b>100</b>	<b>100.0</b>

(a) Number of adoptions includes children aged 18 years and over (see Table A22).

Source: AIHW Adoptions Australia data collection.

**Table 4.10: ‘Known’ child adoptions, by relationship of adoptive parent(s), 2007–08**

Relationship of the adoptive parent(s)	Number <sup>(a)</sup>	Per cent
Step-parent	67	67.0
Relative <sup>(b)</sup>	4	4.0
Carer	26	26.0
Other	3	3.0
<b>Total</b>	<b>100</b>	<b>100.0</b>

(a) Number of adoptions includes children aged 18 years and over (see Table A22).

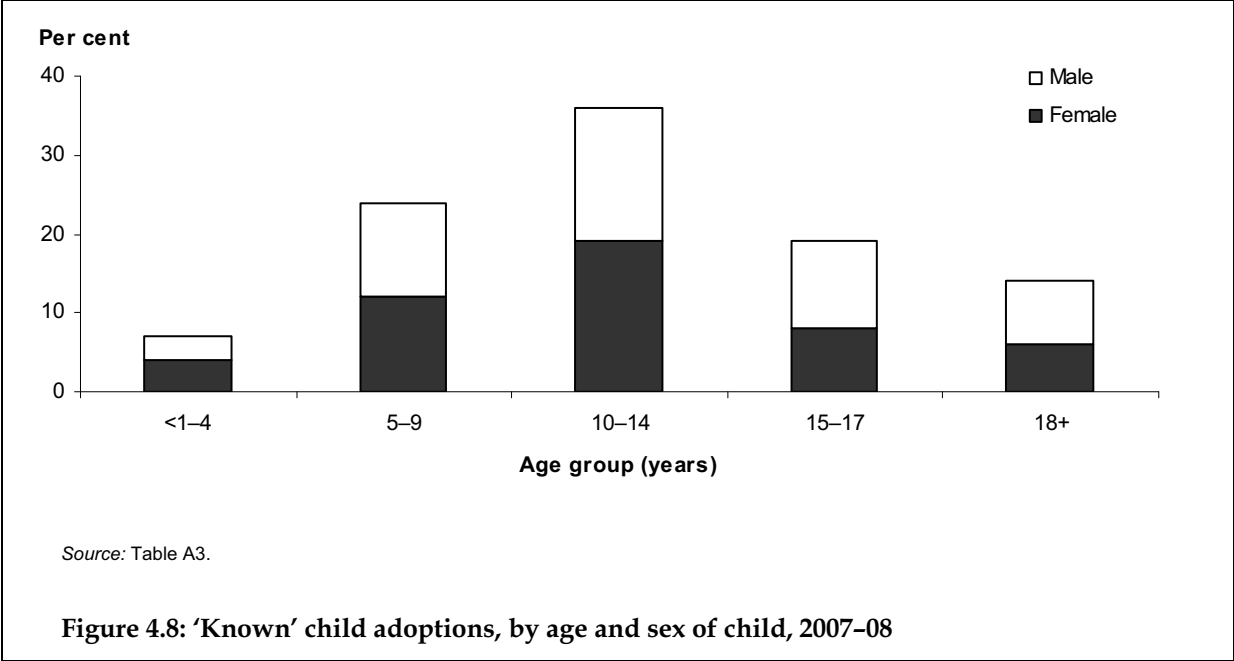
(b) Includes relatives other than step-parents.

Note: Refer to the Glossary for definitions of the ‘known’ child adoption categories.

Source: AIHW Adoptions Australia data collection.

**Characteristics of adopted children**

- Similar proportions of males and females were adopted (51% and 49% respectively) (Figure 4.8).
- Just over two-thirds of ‘known’ child adoptions were of children aged 10 years and over (69%), with one-fifth of these children aged 18 years and over. Only 7% of children adopted were under 5 years of age (Figure 4.8).
- Children adopted by step-parents tended to be older than those adopted by other adults – 75% of children in step-parent adoptions were aged 10 years and over, compared with 58% of children in non-step-parent adoptions (Table A22).



## Adoption of Aboriginal and Torres Strait Islander children

All adoptions of Aboriginal and Torres Strait Islander children are carried out in accordance with the Aboriginal Child Placement Principle. The Principle outlines a preference for the placement of Indigenous children with other Indigenous people when the children are placed outside their family (Lock 1997:50). The Principle has the following order of preference for the placement of Aboriginal or Torres Strait Islander children: with the child's extended family; within the child's Indigenous community; and with other Indigenous people.

Where these options are not available or appropriate, Indigenous children may be adopted by other families. In Western Australia and Victoria, legislation permits the birth parents to specify the type of adoptive family they would like for their child.

In 2007–08, four Indigenous children were adopted in Australia – all were adopted by Indigenous parents. It is difficult to identify trends, as the number of adoptions of Aboriginal and Torres Strait Islander children remains small, with only 96 adoptions occurring in the last 17 years (Table 4.11).

**Table 4.11: Number of Indigenous children adopted, by Indigenous status of adoptive parent(s), 1991–92 to 2007–08**

Year	Indigenous status of adoptive parent(s)		Total
	Indigenous Australian	Other Australian	
1991–92	5	4	9
1992–93	5	2	7
1993–94	7	6	13
1994–95	7	5	12
1995–96	2	5	7
1996–97	5	2	7
1997–98	3	1	4
1998–99	—	3	3
1999–00	2	—	2
2000–01	3	1	4
2001–02	1	5	6
2002–03	—	2	2
2003–04	—	1	1
2004–05	2	2	4
2005–06	3	2	5
2006–07	4	2	6
2007–08	4	—	4
<b>Total</b>	<b>53</b>	<b>43</b>	<b>96</b>

*Note:* Adoptive parents are included in the 'Indigenous Australian' category when at least one of the parents identified as Aboriginal or Torres Strait Islander. Where the Indigenous status of the parents was not known, the adoption was included in the 'Other Australian' category.

*Source:* AIHW Adoptions Australia data collection.

## Permanent care orders (Victoria only)

Permanent care orders provide an alternative to adoption in Victoria. They were introduced in 1992 to overcome the uncertainty often associated with placing children on guardianship or custody orders. Permanent care orders grant permanent guardianship and custody of a child to a third party. Unlike adoption orders, permanent care orders do not change the legal status of the child and they expire when the child turns 18 or marries. There is also provision for an application to be made to revoke or amend a permanent care order.

The granting of a permanent care order is usually the final step in the process of permanent family placement for children who have been abused or neglected; or who are in need of care and protection for other reasons, and are unable to remain safely within the birth family. The aim of placing a child on a permanent care order is to provide an opportunity for the child to develop a stable caring relationship with nurturing caregivers, without severing the tie with the biological family.

Since 1992–93, the number of permanent care orders granted in Victoria has fluctuated, but generally increased. In 2007–08, there were 245 permanent care orders granted, a 22% increase from the 201 orders granted in 2006–07 (Table 4.12). A total of 2,290 permanent care orders have been granted by the Department of Human Services in Victoria since their inception in 1992.

**Table 4.12: Number of permanent care orders granted in Victoria, 1992–93 to 2007–08**

Year	Males	Females	Total
1992–93	7	4	11
1993–94	36	38	74
1994–95	65	70	135
1995–96	56	54	110
1996–97	54	41	95
1997–98	63	61	124
1998–99	67	75	142
1999–00	68	90	158
2000–01	83	78	161
2001–02	99	92	191
2002–03	48	66	114
2003–04	86	75	161
2004–05	115	90	205
2005–06	75	88	163
2006–07	99	102	201
2007–08	130	115	245
<b>Total</b>	<b>1,151</b>	<b>1,139</b>	<b>2,290</b>

*Note:* Data for 2000–01 and 2005–06 have been updated and may differ from that previously published.

*Source:* Victorian Government Department of Human Services.

## Access to information

Adoption law in Australia has undergone significant change since the 1980s in relation to access to information, starting with Victoria's *Adoption Act 1984*. Currently, all states and territories have legislation that grants certain information rights to adopted people who are aged 18 years and over, and to their adoptive and birth families. However, the extent of these rights and of the protection of the privacy of parties to the adoption varies among the jurisdictions (appendixes B.2 and B.3).

## Information applications

All states and territories have established adoption information services or information and contact registers (or other similar systems). The requirements for accessing information about a past adoption differ for each jurisdiction (Appendix B.3). For example, in Victoria, Tasmania and the Northern Territory, people requesting information must attend an interview with an approved counsellor before the information can be released.

In New South Wales, adopted persons and birth parents have the right to information without mandatory counselling, except when the information to be released will be distressing (such as the death of the other party). An interview is required, however, when one of the parties wishes to lodge a contact veto. In Western Australia, where a contact veto is in place, a person who wishes to gain access to information is required to be interviewed by an approved counsellor and sign an undertaking not to contact the vetoer. There are penalties of \$10,000 and 12 months imprisonment for breaching an undertaking.

The purpose of counselling is to ensure that the rights of all involved parties are fully understood and that people are made aware of some of the issues which may arise in the search and reunion process.

In 2007–08:

- There were 2,832 information applications made—86% for identifying information and 14% for non-identifying information (Table 4.13). This is the lowest number recorded since 1992–93 (Table A23).
- The majority of the information applications (both identifying and non-identifying) were made by the adopted person (75% in total), 12% by the birth parents and 6% by other birth relatives (Table 4.13).
- Three-quarters of adopted persons seeking identifying information were aged 35 years and over (Table 4.14).
- Adopted persons seeking identifying information were slightly more likely to be female than male (52% compared with 48%) (Table 4.14).

**Table 4.13: Number of information applications lodged, by person lodging application, 2007–08**

Person lodging the application	NSW	Vic <sup>(a)</sup>	Qld	WA <sup>(b)</sup>	SA	Tas	ACT	NT <sup>(b)</sup>	Australia
<b>Identifying information</b>									
Adopted person	544	500	357	192	212	61	17	19	1,902
Adoptive mother	—	—	—	5 <sup>(c)</sup>	1	1	—	—	7
Adoptive father	—	—	—	1	—	1	—	—	2
Birth mother	87	—	72	33 <sup>(d)</sup>	24	12	2	3	233
Birth father	9	—	2	11	5	1	1	—	29
Other birth relative(s)	24	—	27	30	4	9	1	4	99
Other adoptive relative(s)	2	—	1	6	16	2	—	—	27
Child of adopted person	20	25	—	18	26	4	—	—	93
Unknown	—	—	45	3	—	—	—	1	49
<b>Total</b>	<b>686</b>	<b>525</b>	<b>504</b>	<b>299</b>	<b>288</b>	<b>91</b>	<b>21</b>	<b>27</b>	<b>2,441</b>
<b>Non-identifying information</b>									
Adopted person	—	—	34	165	2	—	—	19	220
Adoptive mother	—	4	1	3 <sup>(e)</sup>	1	—	—	—	9
Adoptive father	—	—	—	—	—	—	—	—	—
Birth mother	—	22	4	26 <sup>(d)</sup>	—	—	—	3	55
Birth father	—	2	—	8	—	—	—	—	10
Other birth relative(s)	—	41	—	21	—	—	—	4	66
Other adoptive relative(s)	—	—	—	5	—	—	—	—	5
Child of adopted person	—	—	—	15	—	—	—	—	15
Unknown	—	—	7	3	—	—	—	1	11
<b>Total</b>	<b>—</b>	<b>69</b>	<b>46</b>	<b>246</b>	<b>3</b>	<b>—</b>	<b>—</b>	<b>27</b>	<b>391</b>

- (a) Victoria's 2007–08 data include: applications lodged by people who registered for the first time in 2007–08; applications lodged in 2007–08 by people who had registered in a previous year; and 137 adopted persons who had received information services before 2007–08, but were not registered. The data exclude 46 applications from adopted persons for whom demographic information is unavailable (as required in Table 4.14). In previous years, data included newly registered applicants only (i.e. people who registered for the first time in that year).
- (b) In Western Australia and the Northern Territory, clients can apply for both identifying and non-identifying information in the same application. In these cases, the application is counted twice—once under 'identifying information' and once under 'non-identifying information'.
- (c) Includes 2 applications lodged by both adoptive parents.
- (d) Includes 1 application lodged by both birth parents.
- (e) Includes 1 application lodged by both adoptive parents.

*Notes*

1. Data predominantly relate to applicants who are party to a local adoption. Very few applicants are party to an intercountry adoption.
2. 'Identifying information' is information, such as the original birth certificate (adopted persons) or the amended birth certificate (birth parents), which identifies the actual person about whom the information is being sought. 'Non-identifying information' does not identify the person about whom the information is sought; this can include age of birth parent(s) and place of birth.

Source: AIHW Adoptions Australia data collection.

**Table 4.14: Number of identifying information applications lodged by the adopted person, by Indigenous status, age and sex of applicant, 2007–08**

Age group (years)	Indigenous Australians			Other Australians			Total		
	M	F	P	M	F	P	M	F	P
15–17	—	—	—	—	1	1	—	1	1
18–19	—	—	—	9	16	25	9	16	25
20–24	—	—	—	27	32	59	27	32	59
25–34	3	—	3	110	98	208	113	98	211
35–44	11	9	20	180	182	362	191	191	382
45+	2	9	11	224	272	496	226	281	507
<b>Total</b>	<b>16</b>	<b>18</b>	<b>34</b>	<b>550</b>	<b>601</b>	<b>1,151</b>	<b>566</b>	<b>619</b>	<b>1,185</b>

M = male, F = female, P = persons

*Notes*

1. New South Wales and South Australia were unable to provide data for this table.
2. If Indigenous status was unknown, the person was included in the 'Other Australians' category. Data from Victoria included 267 people with unknown Indigenous status.

Source: AIHW Adoptions Australia data collection.

## Contact and identifying information vetoes

In some cases, a party to an adoption may wish to block contact or access to information by another party to the adoption. In the case of an identifying information veto (or, in Queensland, an objection), a party to an adoption may, in some states and territories, make an application requesting that identifying information not be released to any other party to the adoption (see Appendix B.3). A contact veto can also be lodged when a person does not wish to be contacted by another party to the adoption. These vetoes are legally binding and if a person receives identifying information and goes on to contact the other party when a contact veto is in place, legal action can be taken. Contact and information vetoes can, however, be lifted by the person who lodged them. In some states and territories, vetoes have a limited life and new applications need to be lodged for vetoes to continue. There is no provision for vetoes in Victoria. In New South Wales a contact veto cannot be lodged in respect of adoption orders made after 26 October 1990, and in South Australia information vetoes cannot be lodged on adoption orders made after 17 August 1989. In Western Australia, as a result of changes made in 2003, no new contact or information vetoes are permitted to be lodged.

It is not necessary for information applications to be lodged before lodging a contact veto. For instance, contact vetoes may be lodged in relation to adoptions for which information may never be requested.

In 2007–08:

- There were 140 contact and identifying information vetoes lodged (Table 4.15).
- There were 8,782 contact and identifying information vetoes in place at 30 June 2008 (Table 4.16).
- For both vetoes lodged in 2007–08 and vetoes in place at 30 June 2008, the large majority of vetoes were lodged by the adopted person (55% and 56% respectively) and the birth parents (41% and 40% respectively) (tables 4.15 and 4.16).
- The number of vetoes lodged each year has fluctuated, but generally declined over time from a peak of 584 in 1994–95 (Table A23).
- As in previous years, in 2007–08 the number of applications for information far exceeded the number of vetoes lodged against contact or the release of identifying information—2,832 compared with 140 (Table A23).

**Table 4.15: Number of vetoes lodged in 2007–08, by person lodging veto, for selected states and territories<sup>(a)</sup>**

Person lodging the veto <sup>(b)</sup>	NSW <sup>(b,c)</sup>	Qld <sup>(b)</sup>	SA <sup>(c,d)</sup>	Tas <sup>(c)</sup>	ACT <sup>(c)</sup>	NT <sup>(b,d)</sup>	Total
<b>Contact vetoes</b>							
Adopted person	3	3	62	7	—	1	76
Adoptive mother	..	..	4	—	—	..	4
Adoptive father	..	..	1	—	—	..	1
Birth mother	1	2	49	2	—	1	55
Birth father	—	—	2	—	—	—	2
Other birth relative(s)	..	..	—	—	—	..	—
Other adoptive relative(s)	..	..	—	—	—	..	—
<b>Total</b>	<b>4</b>	<b>5</b>	<b>118<sup>(e)</sup></b>	<b>9</b>	<b>—</b>	<b>2</b>	<b>138</b>
<b>Identifying information vetoes</b>							
Adopted person	..	1	..	..	..	..	1
Adoptive mother	..	—	..	..	..	..	—
Adoptive father	..	—	..	..	..	..	—
Birth mother	..	1	..	..	..	..	1
Birth father	..	—	..	..	..	..	—
Other birth relative(s)	..	—	..	..	..	..	—
Other adoptive relative(s)	..	—	..	..	..	..	—
<b>Total</b>	..	<b>2</b>	..	..	..	..	<b>2</b>

.. not applicable

— nil or rounded to zero

- (a) Victoria and Western Australia are not included in the total. In Victoria, no veto system operates. In Western Australia, amendments to the *Adoption Act 1994* gazetted in 2003 prohibit the placement of any new information or contact vetoes on adoptions after 1 June 2003. However, adopted persons turning 18, where adoptive parent(s) have existing contact vetoes, have 12 months in which to request the continuation of the current veto. All existing information vetoes became ineffective on 1 June 2005.
- (b) In some jurisdictions, only certain people may lodge a veto. In New South Wales, only adopted persons and birth parents may lodge a contact veto. In Queensland, contact and identifying information can be vetoed only by birth parents who signed an adoption consent before June 1991 and persons who were adopted before June 1991. In the Northern Territory, only the adopted person and birth parent(s) are able to lodge vetoes with respect to adoptions finalised before 1994.
- (c) The release of identifying information cannot be vetoed in New South Wales, Tasmania and the Australian Capital Territory. In Tasmania, contact veto applications were not implemented until 18 June 1999. In South Australia, people who were involved in an adoption from 17 August 1989 cannot veto access to contact or identifying information.
- (d) Both contact and identifying information are vetoed in the same veto lodgement in South Australia and the Northern Territory.
- (e) A veto in South Australia is valid for only 5 years—a veto must be renewed if the applicant wants it to continue for a further 5 years. In 2007–08, the total for South Australia includes 116 veto renewals.

Source: AIHW Adoptions Australia data collection.

**Table 4.16: Number of vetoes in place at 30 June 2008, by person lodging veto, for selected states and territories<sup>(a)</sup>**

Person lodging the veto <sup>(b)</sup>	NSW <sup>(b,c)</sup>	Qld <sup>(b)</sup>	WA <sup>(d)</sup>	SA <sup>(c,e)</sup>	Tas <sup>(c)</sup>	ACT <sup>(c)</sup>	NT <sup>(b,e)</sup>	Total
<b>Contact vetoes</b>								
Adopted person	2,356	179	288	338	88	47	8	3,304
Adoptive mother	..	..	235 <sup>(f)</sup>	18	1	15	..	269
Adoptive father	..	..	10	12	3	14	..	39
Birth mother	1,803	68	189 <sup>(g)</sup>	212	20	21	3	2,316
Birth father	53	—	8	8	1	4	—	74
Other birth relative(s)	..	..	3	1	3	3	..	10
Other adoptive relative(s)	..	..	1	—	—	—	..	1
<b>Total</b>	<b>4,212</b>	<b>247</b>	<b>734</b>	<b>589</b>	<b>116</b>	<b>104</b>	<b>11</b>	<b>6,013</b>
<b>Identifying information vetoes</b>								
Adopted person	..	1,613	..	..	..	..	..	1,613
Adoptive mother	..	—	..	..	..	..	..	—
Adoptive father	..	—	..	..	..	..	..	—
Birth mother	..	1,148	..	..	..	..	..	1,148
Birth father	..	5	..	..	..	..	..	5
Other birth relative(s)	..	—	..	..	..	..	..	—
Other adoptive relative(s)	..	—	..	..	..	..	..	—
Unknown	..	3	..	..	..	..	..	3
<b>Total</b>	..	<b>2,769</b>	..	..	..	..	..	<b>2,769</b>

.. not applicable

— nil or rounded to zero

(a) Victoria is not included in the total, as no veto system operates in that state.

(b) In some jurisdictions, only certain people may lodge a veto. In New South Wales, only adopted persons and birth parents may lodge a contact veto. In Queensland, contact and identifying information can be vetoed only by birth parents who signed an adoption consent before June 1991 and persons who were adopted before June 1991. In the Northern Territory, only the adopted person and birth parent(s) are able to lodge vetoes with respect to adoptions finalised before 1994.

(c) The release of identifying information cannot be vetoed in New South Wales, Tasmania and the Australian Capital Territory. In Tasmania, contact veto applications were not implemented until 18 June 1999. In South Australia, people who were involved in an adoption from 17 August 1989 cannot veto access to contact or identifying information.

(d) In Western Australia, amendments to the *Adoption Act 1994* gazetted in 2003 prohibit the placement of any new information or contact vetoes on adoptions after 1 June 2003. However, adopted persons turning 18, where adoptive parent(s) have existing contact vetoes, have 12 months in which to request the continuation of the current veto. All existing information vetoes became ineffective on 1 June 2005.

(e) Both contact and identifying information are vetoed in the same veto lodgement in South Australia and the Northern Territory.

(f) Includes 199 vetoes lodged by both adoptive parents.

(g) Includes 9 vetoes lodged by both birth parents.

Source: AIHW Adoptions Australia data collection.

## 5 Discussion of key findings

This report, as with previous editions, presents the latest available data on adoptions of Australian children and those from overseas, while also highlighting important changes in adoption trends over the last few decades. The main findings are discussed below.

### National patterns and trends

In 2007–08, there were 440 adoptions in Australia – although this represents a 23% decline from the previous year, this may be part of the normal variation in the numbers over the past decade. The total number of adoptions has remained relatively stable since the late 1990s; however, there has been a 22-fold decrease in adoptions since the peak in the early 1970s (from 9,798 to 440 adoptions between 1971–72 and 2007–08). Almost all this decline in numbers (96%) occurred between 1972–73 and 1992–93.

As intercountry adoptions constituted only a very small proportion of all adoptions until the mid-1980s, the overall decline in the last 25 years can be attributed to the fall in the number of adoptions of Australian children (comprising local and ‘known’ child adoptions) – a 17-fold decline since 1982–83. This change reflects the decline in the number of Australian children who are legally able to be adopted, and require an adoption.

Various medical, social and legislative factors have contributed to this trend. The availability of more effective birth control, together with the emergence of family planning centres and sex education classes, has had a substantial impact in reducing the number of unplanned and unwanted pregnancies (ABS 1998).

Increasing social acceptance of raising children outside registered marriage, and increased levels of support available to lone parents, have also reduced the pressure on unmarried women to give up their children for adoption. This coincides with an increasing number of women in the workforce and more affordable and accessible child care facilities, further improving women’s ability to support a family on their own (ABS 1998).

Legislative changes introduced by state and territory departments over the last two decades have also facilitated a greater use of alternative legal orders, often replacing the need for adoption orders (AIHW: Bentley & Broadbent 1997; see also Appendix B). These orders, such as permanent care orders in Victoria, transfer permanent guardianship and custody of a child to a person other than the parent (in most cases, to relatives or carers whom the child is currently living with).

Declining fertility rates may reflect a general change in individual preferences and social trends with regards to having children and family size. Furthermore, for some people unable to conceive a child naturally, the recent development of assisted reproduction technologies, such as in-vitro fertilisation (IVF), may have negated the need for adoption (ABS 1998).

Although the number of Australian-born children adopted has declined overall, the number of intercountry adoptions has been increasing fairly steadily. Consequently, the relatively stable number of total adoptions in recent years is a reflection of the increase in intercountry adoptions.

However, in 2007–08 there was a considerable decline in the number of intercountry adoptions (down 33% from the previous year) – this was largely attributable to falls in the number of adoptions from China and South Korea (50% and 41% declines respectively). In a longitudinal study of 20 ‘receiving’ countries, Selman (2006) suggested that the number of

children adopted from a range of key 'sending' countries – including South Korea and the Philippines – is on the decline. Data from future years need to be monitored to see whether the total number of intercountry adoptions continues to fall in Australia.

### **Characteristics of adopted children**

Children in local adoptions tend to be younger than children adopted from other countries – in 2007–08, over half of the local adoptions were of infants (aged under 1 year), compared with two in five children adopted from other countries. This may reflect the more lengthy process to adopt a child from another country compared with adopting a child within Australia – specifically, for intercountry adoptions there is a longer process between identifying and allocating an adoptive child, through to finalising the adoption order.

It may also be that children identified by intercountry organisations as needing adoption tend to be older. Children in non-Hague intercountry adoptions tended to be younger than those in Hague intercountry adoptions – this may reflect the different processes used for these categories of adoption.

In contrast, Australian children from 'known' child adoptions tend to be much older than other children adopted – only 7% of 'known' child adoptions were of children under the age of 5 years. This reflects departmental policies and practices regarding the 'known' child's age and the length of time the prospective parent(s) have had a relationship with the child (see Appendix B.1). The older age of children in 'known' child adoptions is also driven by the high proportion of adoptions by step-parents (67% of all 'known' adoptions) – children adopted by step-parents tend to be older than those adopted by other adults.

The Baby Bonus (formerly named the Maternity Payment) is a one-off payment, made by the Australian Government to families following the birth or adoption of a baby, in recognition of the extra costs incurred at this time. In the case of adoption, the child must have come into the care of the adoptive parent(s), or have entered Australia, before reaching 2 years of age (FAO 2008). In 2007–08, 81% and 67% of children in local and intercountry adoptions, respectively, were under 2 years old when they were placed with their adoptive parent(s) (Table A3). Changes to the Baby Bonus, including the eligibility criteria, will be introduced from 1 January 2009.

In 2007–08, almost three-quarters of children in local adoptions had birth mothers who were aged under 30 years. Although the median age of adopted children's birth mothers in 2007–08 was almost 7 years lower than that of all mothers giving birth in 2007 (24.0 years compared with 30.7 years). However, it was around 3 years lower than that of all unmarried mothers giving birth in 2007 (27.1 years) (Table A16; ABS 2008), which reflects the fact that the majority of children in local adoptions are born to women who are not in a registered marriage.

### **Characteristics of adoptive families**

Among local and intercountry adoptions, nearly all adoptive parents were couples in registered marriages – this reflects the criteria used to assess the eligibility of prospective adoptive parents. For local and intercountry adoptions, only registered married couples are allowed to adopt in Queensland, Tasmania and the Northern Territory, whereas registered and de facto married couples are eligible in all other jurisdictions. Same-sex couples can also adopt in Western Australia and the Australian Capital Territory, and 'known' child adoptions are available for same-sex couples in Tasmania. The circumstances under which

single people can apply to adopt vary for each state and territory, with most accepting applications only under special circumstances.

Among local and intercountry adoptions, three in every five adoptive parents were aged 40 years and over. Adoptive parents of children from overseas tended to be older than those for local adoptions, with 66% of parents aged 40 years and over (compared with 40%).

Family composition was quite similar across local and intercountry adoptions – around half of the adoptive families had no children (58% and 51%, respectively), around a quarter had adopted children only (24% and 29%, respectively), and around one-seventh had biological children only (13% and 15%, respectively).

## **Access to information**

Changes in adoption procedures since World War II have ‘paralleled a shift in social attitudes from one in which adoptions were regarded as providing a service for adults (childless couples and young lone mothers) to one in which the wellbeing of children has become paramount’ (ABS 1998:33). Changes allowing relevant parties access to information about their biological relatives reflect this trend.

Overall, local adoptions have changed from a guarded practice, where files were sealed and parties to the adoption had no contact with each other, to a more open practice which can involve access to information or contact between the parties. Over the last decade, the proportion of local adoptions that would be considered ‘open’ adoptions has fluctuated between 77% and 95% (Table A19).

## **International comparisons**

The overall patterns and trends in adoptions in Australia show some similarities to, but also some differences from, those in other developed countries for which data are readily available. However, please note that adoption legislation and practice may differ across countries (and even within countries).

As in Australia, the total number of adoptions has also been falling over the last two decades in New Zealand, England/Wales, Scotland and Ireland (Stats NZ 1987, 1998, 2006; National Statistics 2007; Scottish Executive 2004; Adoption Authority of Ireland 2007). However, in Norway the number of adoptions has remained relatively stable over this period (Stats Norway 2008a).

Similar to Australia, the number of intercountry adoptions has also been increasing in New Zealand; in contrast, numbers in Canada have remained stable, whereas the numbers in Norway have fallen in recent years (Adoption Council of Canada 2006). Although the proportion of intercountry adoptions has increased in recent years in Australia, it has remained fairly stable in New Zealand and Norway.

The proportion of intercountry adoptions in Australia (61% in 2007–08) is similar to that in Norway (59% in 2007), but higher than in New Zealand (45% in 2005) and Scotland (4% in 2003). Australia is also similar to Norway in that most intercountry adoptions are of children from Asian countries, though this is slightly more predominant in Australia – around 55% in Norway in 2007, compared with 85% in Australia in 2007–08 (Stats Norway 2008b).

The fall over the last two decades in the number of local children adopted in Australia (including local and ‘known’ child adoptions) is consistent with trends in Scotland and Ireland.

# Appendix A Statistical tables

Table A1: Number of children legally adopted, by state and territory, 1969–70 to 2007–08

Year	NSW <sup>(a)</sup>	Vic	Qld <sup>(b)</sup>	WA	SA	Tas	ACT <sup>(b)</sup>	NT	Australia
1969–70	2,346	2,031	1,500	703	834	243	102	61	7,820
1970–71	3,275	2,057	1,562	301	879	289	122	68	8,553
1971–72	4,539	1,768	1,774	457	776	303	127	54	9,798
1972–73	3,315	1,765	1,678	717	649	268	121	29	8,542
1973–74	1,936	1,557	1,458	783	558	268	120	25	6,705
1974–75	1,799	1,168	1,394	528	551	243	123	33	5,839
1975–76	1,449	1,032	1,112	531	549	211	87	19	4,990
1976–77	1,770	908	1,014	497	658	185	82	74	5,188
1977–78	1,068	951	660	417	506	164	55	46	3,867
1978–79	1,020	956	563	380	415	173	56	40	3,603
1979–80	853	914	450	387	475	148	85	25	3,337
1980–81	794	711	454	305	505	140	74	35	3,018
1981–82	855	753	467	261	396	119	81	39	2,971
1982–83	926	692	555	270	424	117	59	29	3,072
1983–84	698	686	517	250	438	87	51	43	2,770
1984–85	623	631	331	293	222	97	74	23	2,294
1985–86 <sup>(c)</sup>	n.a.	n.a.	359	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.
1986–87 <sup>(c)</sup>	n.a.	n.a.	334	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.
1987–88	280	114	309	191	416	120	36	28	1,494
1988–89	335	288	353	147	221	85	47	25	1,501
1989–90	360	212	278	128	174	71	50	21	1,294
1990–91	329	258	210	136	103	61	25	20	1,142
1991–92	310	185	232	120	112	58	23	12	1,052
1992–93	209	101	222	87	111	23	20	10	783
1993–94	188	112	206	85	106	37	21	9	764
1994–95	260	145	179	127	108	12	18	6	855
1995–96	204	131	170	75	48	17	19	4	668
1996–97	263	123	129	56	79	30	26	3	709
1997–98	200	114	111	69	48	19	15	1	577
1998–99	185	102	94	64	53	25	16	6	543
1999–00	154	122	105	79	59	19	24	4	566
2000–01	166	98	62	74	53	24	27	10	514
2001–02	207	110	49	79	62	20	23	11	561
2002–03	122	82	67	76	72	21	25	7	472
2003–04	115	120	65	59	79	26	33	5	502
2004–05	154	161	84	49	77	23	20	17	585
2005–06	149	131	82	62	72	35	30	15	576
2006–07	164	127	91	65	62	26	22	11	568
<b>2007–08</b>	<b>125</b>	<b>98</b>	<b>86</b>	<b>41</b>	<b>36</b>	<b>31</b>	<b>14</b>	<b>9</b>	<b>440</b>

(a) New South Wales was unable to provide data on adoptions by step-parents from 1987–88 to 1993–94.

(b) Data for 1986–87, 1987–88 and 1998–99 may differ from previous reports because of updated figures.

(c) National data were not collected in 1985–86 and 1986–87.

Source: AIHW Adoptions Australia data collection; AIHW: Wilkinson & Angus 1993:18.

**Table A2: Placement adoptions: number of children who were placed for adoption, regardless of whether the adoption order was finalised, 2007–08**

Type of adoption	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Australia
Local placement	19	19	17	5	1	1	2	—	64
Intercountry placement									
Hague adoption	37	29	15	5	7	4	2	2	101
Non-Hague adoption	49	34	26	17	20	11	1	9	167
<b>Total</b>	<b>105</b>	<b>82</b>	<b>58</b>	<b>27</b>	<b>28</b>	<b>16</b>	<b>5</b>	<b>11</b>	<b>332</b>

Source: AIHW Adoptions Australia data collection.

**Table A3: Adoptions, by type of adoption, by age and sex of child, 2007–08**

Age group (years)	Intercountry adoptions			Local adoptions			'Known' child adoptions			Total		
	M	F	P	M	F	P	M	F	P	M	F	P
<b>Number</b>												
Under 1	52	61	113	19	18	37	—	1	1	71	80	151
1	31	37	68	9	11	20	—	2	2	40	50	90
2–4	28	39	67	5	7	12	3	1	4	36	47	83
5–9	6	13	19	—	1	1	12	12	24	18	26	44
10–14	1	2	3	—	—	—	17	19	36	18	21	39
15–17	—	—	—	—	—	—	11	8	19	11	8	19
18+	—	—	—	—	—	—	8	6	14	8	6	14
<b>Total</b>	<b>118</b>	<b>152</b>	<b>270</b>	<b>33</b>	<b>37</b>	<b>70</b>	<b>51</b>	<b>49</b>	<b>100</b>	<b>202</b>	<b>238</b>	<b>440</b>
<b>Per cent</b>												
Under 1	44.1	40.1	41.9	57.6	48.6	52.9	—	2.0	1.0	35.1	33.6	34.3
1	26.3	24.3	25.2	27.3	29.7	28.6	—	4.1	2.0	19.8	21.0	20.5
2–4	23.7	25.7	24.8	15.2	18.9	17.1	5.9	2.0	4.0	17.8	19.7	18.9
5–9	5.1	8.6	7.0	—	2.7	1.4	23.5	24.5	24.0	8.9	10.9	10.0
10–14	0.8	1.3	1.1	—	—	—	33.3	38.8	36.0	8.9	8.8	8.9
15–17	—	—	—	—	—	—	21.6	16.3	19.0	5.4	3.4	4.3
18+	—	—	—	—	—	—	15.7	12.2	14.0	4.0	2.5	3.2
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>

M = male, F = female, P = persons

*Notes*

1. Percentages may not add to 100 because of rounding.
2. For local and intercountry adoptions, 'age of child' refers to the age of the adopted child at the date of placement with the adoptive parent(s); for 'known' child adoptions, 'age of child' refers to the age of the adopted child at the date the adoption order was granted.
3. Refer to the Glossary for definitions of the various adoption categories.

Source: AIHW Adoptions Australia data collection.

**Table A4: Adoptions in Australia, by type of adoption, 1982–83 to 2007–08**

Year	Children adopted from Australia		Children adopted from overseas		Total <sup>(a)</sup>	
	Number	Per cent	Number	Per cent	Number	Per cent
1982–83	2,884	93.9	188	6.1	3,072	100.0
1983–84	2,560	92.4	197	7.1	2,770	100.0
1984–85	2,045	89.1	235	10.2	2,294	100.0
1985–86	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.
1986–87	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.
1987–88	1,183	79.2	308 <sup>(b)</sup>	20.6	1,494	100.0
1988–89	1,106	73.7	394	26.2	1,501	100.0
1989–90	874	67.5	420	32.5	1,294	100.0
1990–91	749	65.6	393	34.4	1,142	100.0
1991–92	713	67.8	338	32.1	1,052	100.0
1992–93	556	71.0	227	29.0	783	100.0
1993–94	542	70.9	222	29.1	764	100.0
1994–95	631	73.8	224	26.2	855	100.0
1995–96	394	59.0	274	41.0	668	100.0
1996–97	440	62.1	269	37.9	709	100.0
1997–98	332	57.5	245	42.5	577	100.0
1998–99	299	55.1	244	44.9	543	100.0
1999–00	265	46.8	301	53.2	566	100.0
2000–01	225	43.8	289	56.2	514	100.0
2001–02	267	47.6	294	52.4	561	100.0
2002–03	194	41.1	278	58.9	472	100.0
2003–04	132	26.3	370	73.7	502	100.0
2004–05	151	25.8	434	74.2	585	100.0
2005–06	155	26.9	421	73.1	576	100.0
2006–07	163	28.7	405	71.3	568	100.0
<b>2007–08</b>	<b>170</b>	<b>38.6</b>	<b>270</b>	<b>61.4</b>	<b>440</b>	<b>100.0</b>

(a) Includes children of unknown country of origin. Therefore numbers and percentages for subcategories may not add to those for total.

(b) Excludes Victoria for which data were not available.

*Notes*

1. National data were not collected in 1985–86 and 1986–87.
2. New South Wales was unable to provide data on adoptions by step-parents from 1987–88 to 1993–94.

*Sources:* AIHW Adoptions Australia data collection; AIHW: Wilkinson & Angus 1993:20–21.

**Table A5: Number of local adoptions, by state and territory, 1998–99 to 2007–08**

Year	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Australia
1998–99	50	30	22	6	6	11	1	1	127
1999–00	31	34	24	10	3	2	2	—	106
2000–01	28	28	9	6	5	5	2	2	85
2001–02	54	22	10	13	3	2	3	—	107
2002–03	22	20	23	6	3	3	1	—	78
2003–04	24	23	14	3	6	1	2	—	73
2004–05	24	16	13	4	2	2	3	1	65
2005–06	23	17	8	9	—	2	1	—	60
2006–07	12	18	12	8	5	3	1	—	59
<b>2007–08</b>	<b>15</b>	<b>27</b>	<b>17</b>	<b>3</b>	<b>1</b>	<b>3</b>	<b>3</b>	<b>1</b>	<b>70</b>

*Note:* Changes to the categories of adoption introduced in 1998–99 limit the amount of trend data available for 'local' adoptions (see Figure 2.1).

*Source:* AIHW Adoptions Australia data collection.

**Table A6: Number of 'known' child adoptions, 1998–99 to 2007–08**

Year	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Australia
1998–99	78	13	36	38	2	2	2	1	172
1999–00	68	12	21	43	—	4	11	—	159
2000–01	53	10	13	48	4	5	7	—	140
2001–02	82	14	6	37	5	2	11	3	160
2002–03	39	3	15	46	1	3	9	—	116
2003–04	25	11	2	12	1	3	5	—	59
2004–05	42	13	6	16	1	3	5	—	86
2005–06	33	10	13	17	3	7	9	3	95
2006–07	40	14	16	17	1	12	3	1	104
<b>2007–08</b>	<b>37</b>	<b>5</b>	<b>22</b>	<b>21</b>	<b>3</b>	<b>5</b>	<b>6</b>	<b>1</b>	<b>100</b>

*Note:* Changes to the categories of adoption introduced in 1998–99 limit the amount of trend data available for 'known' child adoptions (see Figure 2.1).

*Source:* AIHW Adoptions Australia data collection.

**Table A7: Adoptions of Australian children, by relationship to adoptive parent(s), 1982–83 to 2007–08**

Year	Adopted by relatives		Adopted by non-relatives		Total <sup>(a)</sup>	
	Number	Per cent	Number	Per cent	Number	Per cent
1982–83	1,548	53.7	1,336	46.3	2,884	100.0
1983–84	1,452	56.7	1,108	43.3	2,560	100.0
1984–85	1,157	56.6	888	43.4	2,045	100.0
1985–86	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.
1986–87	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.
1987–88	605	51.1	578	48.9	1,183	100.0
1988–89	500	45.2	606	54.8	1,106	100.0
1989–90	327	37.4	547	62.6	874	100.0
1990–91	277	37.0	472	63.0	749	100.0
1991–92	295	41.4	418	58.6	713	100.0
1992–93	250	45.0	306	55.0	556	100.0
1993–94	228	42.1	314	57.9	542	100.0
1994–95	320	50.7	311	49.3	631	100.0
1995–96	177	44.9	217	55.1	394	100.0
1996–97	177	40.2	263	59.8	440	100.0
1997–98	154	46.4	178	53.6	332	100.0
1998–99	124	41.5	175	58.5	299	100.0
1999–00	116	43.8	149	56.2	265	100.0
2000–01	102	45.3	114	50.7	225	100.0
2001–02	108	40.4	159	59.6	267	100.0
2002–03	74	38.1	107	55.2	194	100.0
2003–04	34	25.8	98	74.2	132	100.0
2004–05	57	37.7	94	62.3	151	100.0
2005–06	74	47.7	81	52.3	155	100.0
2006–07	82	50.3	81	49.7	163	100.0
<b>2007–08</b>	<b>74</b>	<b>43.5</b>	<b>96</b>	<b>56.5</b>	<b>170</b>	<b>100.0</b>

(a) For 2000–01 and 2002–03, the total includes adoptions involving children with an unknown relationship to the adoptive parent(s). Therefore numbers and percentages for subcategories may not add to those for the total.

*Notes*

1. 'Relatives' includes step-parents; other relatives such as grandparents, aunts and uncles; and commissioning (surrogate) parents. 'Non-relatives' includes foster carers and other non-relatives.
2. National data were not collected in 1985–86 and 1986–87.
3. New South Wales was unable to provide data on adoptions by step-parents from 1987–88 to 1993–94.

Sources: AIHW Adoptions Australia data collection; AIHW: Wilkinson & Angus 1993:20–21.

**Table A8: Intercountry adoptions, by child's region of origin, 1990–91 to 2007–08**

	Asia		South/Central America		Africa		Other		Total	
	Number	Per cent	Number	Per cent	Number	Per cent	Number	Per cent	Number	Per cent
1990–91	344	87.5	32	8.1	2	0.5	15	3.8	393	100.0
1991–92	269	79.6	41	12.1	3	0.9	25	7.4	338	100.0
1992–93	158	69.6	58	25.6	1	0.4	10	4.4	227	100.0
1993–94	171	77.0	38	17.1	3	1.4	10	4.5	222	100.0
1994–95	171	76.3	35	15.6	2	0.9	16	7.1	224	100.0
1995–96	191	69.7	62	22.6	6	2.2	15	5.5	274	100.0
1996–97	197	73.2	38	14.1	16	5.9	18	6.7	269	100.0
1997–98	154	62.9	29	11.8	37	15.1	25	10.2	245	100.0
1998–99	157	64.3	20	8.2	34	13.9	33	13.5	244	100.0
1999–00	186	61.8	24	8.0	46	15.3	45	15.0	301	100.0
2000–01	197	68.2	27	9.3	37	12.8	28	9.7	289	100.0
2001–02	231	78.6	18	6.1	37	12.6	8	2.7	294	100.0
2002–03	224	80.6	12	4.3	40	14.4	2	0.7	278	100.0
2003–04	316	85.4	7	1.9	45	12.2	2	0.5	370	100.0
2004–05	363	83.6	5	1.2	59	13.6	7	1.6	434	100.0
2005–06	339	80.5	11	2.6	70	16.6	1	0.2	421	100.0
2006–07	343	84.7	8	2.0	47	11.6	7	1.7	405	100.0
<b>2007–08</b>	<b>229</b>	<b>84.8</b>	<b>5</b>	<b>1.9</b>	<b>36</b>	<b>13.3</b>	<b>—</b>	<b>—</b>	<b>270</b>	<b>100.0</b>

Note: 'Other' includes Europe, North America and Oceania.

Source: AIHW Adoptions Australia data collection.

**Table A9: Number of intercountry adoptions, by state and territory, 1990–91 to 2007–08**

<b>Year</b>	<b>NSW</b>	<b>Vic</b>	<b>Qld</b>	<b>WA</b>	<b>SA</b>	<b>Tas</b>	<b>ACT</b>	<b>NT</b>	<b>Australia</b>
1990–91	162	105	25	22	43	16	16	4	393
1991–92	145	67	27	24	50	13	10	2	338
1992–93	95	37	19	14	40	9	9	4	227
1993–94	89	30	26	16	34	14	10	3	222
1994–95	85	59	21	9	35	2	9	4	224
1995–96	105	57	37	29	29	9	4	4	274
1996–97	81	56	41	13	49	15	12	2	269
1997–98	69	64	43	14	37	8	10	—	245
1998–99	57	59	36	20	45	12	11	4	244
1999–00	55	76	60	26	56	13	11	4	301
2000–01	85	60	40	20	44	14	18	8	289
2001–02	71	74	33	29	54	16	9	8	294
2002–03	61	59	29	24	68	15	15	7	278
2003–04	66	86	49	44	72	22	26	5	370
2004–05	88	132	65	29	74	18	12	16	434
2005–06	93	104	61	36	69	26	20	12	421
2006–07	112	95	63	40	56	11	18	10	405
<b>2007–08</b>	<b>73</b>	<b>66</b>	<b>47</b>	<b>17</b>	<b>32</b>	<b>23</b>	<b>5</b>	<b>7</b>	<b>270</b>

*Notes*

1. Data for years before 1990–91 are included in previous editions of this publication.
2. Before 1998–99, 'intercountry adoptions' were referred to as 'adoptions of overseas-born children by non-relatives'.

Source: AIHW Adoptions Australia data collection.

**Table A10: Intercountry adoptions, by country of origin, 1997–98 to 2007–08**

Country of birth	1998–99	1999–00	2000–01	2001–02	2002–03	2003–04	2004–05	2005–06	2006–07	2007–08	Total
<b>Number</b>											
China <sup>(a)</sup>	—	1	15	39	46	112	140	116	125	63	657
Colombia	11	17	15	9	7	7	3	9	5	3	86
Ethiopia	34	46	37	36	39	45	59	70	47	35	448
Fiji	12	5	3	5	—	1	1	1	—	—	28
Guatemala	6	2	3	6	4	—	1	1	2	—	25
Hong Kong <sup>(b)</sup>	6	3	3	10	4	4	3	4	9	4	50
India	30	37	40	40	33	29	31	34	25	27	326
Philippines	14	29	18	12	18	29	48	42	45	41	296
Romania	17	36	22	2	1	—	—	—	—	—	78
South Korea	70	77	75	93	101	98	96	103	80	47	840
Sri Lanka	5	3	4	3	2	2	2	3	5	6	35
Taiwan	6	2	6	6	3	3	10	10	26	22	94
Thailand	25	33	35	28	17	39	31	27	28	19	282
Other <sup>(c)</sup>	8	10	13	5	3	1	9	1	8	3	61
<b>Total</b>	<b>244</b>	<b>301</b>	<b>289</b>	<b>294</b>	<b>278</b>	<b>370</b>	<b>434</b>	<b>421</b>	<b>405</b>	<b>270</b>	<b>3,306</b>
<b>Per cent</b>											
China <sup>(a)</sup>	—	0.3	5.2	13.3	16.5	30.3	32.3	27.6	30.9	23.3	19.9
Colombia	4.5	5.6	5.2	3.1	2.5	1.9	0.7	2.1	1.2	1.1	2.6
Ethiopia	13.9	15.3	12.8	12.2	14.0	12.2	13.6	16.6	11.6	13.0	13.6
Fiji	4.9	1.7	1.0	1.7	—	0.3	0.2	0.2	—	—	0.8
Guatemala	2.5	0.7	1.0	2.0	1.4	—	0.2	0.2	0.5	—	0.8
Hong Kong <sup>(b)</sup>	2.5	1.0	1.0	3.4	1.4	1.1	0.7	1.0	2.2	1.5	1.5
India	12.3	12.3	13.8	13.6	11.9	7.8	7.1	8.1	6.2	10.0	9.9
Philippines	5.7	9.6	6.2	4.1	6.5	7.8	11.1	10.0	11.1	15.2	9.0
Romania	7.0	12.0	7.6	0.7	0.4	—	—	—	—	—	2.4
South Korea	28.7	25.6	26.0	31.6	36.3	26.5	22.1	24.5	19.8	17.4	25.4
Sri Lanka	2.0	1.0	1.4	1.0	0.7	0.5	0.5	0.7	1.2	2.2	1.1
Taiwan	2.5	0.7	2.1	2.0	1.1	0.8	2.3	2.4	6.4	8.1	2.8
Thailand	10.2	11.0	12.1	9.5	6.1	10.5	7.1	6.4	6.9	7.0	8.5
Other <sup>(c)</sup>	3.3	3.3	4.5	1.7	1.1	0.3	2.1	0.2	2.0	1.1	1.8
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>

(a) Excludes Special Administrative Regions and Taiwan Province.

(b) Special Administrative Region of China.

(c) 'Other' includes: Azerbaijan, Bolivia, Burkina Faso, Burundi, Chile, Croatia, Italy, Lebanon, Lithuania, Macedonia, Malta, Nicaragua, Papua New Guinea, Peru, Poland, Tonga, Uganda, United Kingdom and United States of America.

*Notes*

1. Before 1998–99, 'intercountry adoptions' were referred to as 'adoptions of overseas-born children by non-relatives'.

2. Percentages may not add to 100 because of rounding.

Source: AIHW Adoptions Australia data collection.

**Table A11: Intercountry adoptions, by type of adoption, by age and sex of child, 2007–08**

Age group (years)	Hague intercountry adoptions			Non-Hague intercountry adoptions		
	Males	Females	Persons	Males	Females	Persons
<b>Number</b>						
Under 1	6	8	14	46	53	99
1	20	21	41	11	16	27
2–4	18	15	33	10	24	34
5–9	3	6	9	3	7	10
10–14	1	1	2	—	1	1
15+	—	—	—	—	—	—
<b>Total</b>	<b>48</b>	<b>51</b>	<b>99</b>	<b>70</b>	<b>101</b>	<b>171</b>
<b>Per cent</b>						
Under 1	12.5	15.7	14.1	65.7	52.5	57.9
1	41.7	41.2	41.4	15.7	15.8	15.8
2–4	37.5	29.4	33.3	14.3	23.8	19.9
5–9	6.3	11.8	9.1	4.3	6.9	5.8
10–14	2.1	2.0	2.0	—	1.0	0.6
15+	—	—	—	—	—	—
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>

Note: Percentages may not add to 100 because of rounding.

Source: AIHW Adoptions Australia data collection.

**Table A12: Local and intercountry adoptions, by sibling groups, 2007–08**

Type of adoption	Number of sibling groups	Children adopted in sibling groups	
		Number	Per cent of adoption type
Local adoption	—	—	—
Intercountry adoptions			
Hague adoption	5	11	11.1
Non-Hague adoption	6	13	7.6
<i>Total intercountry adoptions</i>	<i>11</i>	<i>24</i>	<i>8.9</i>
<b>Total local and intercountry adoptions</b>	<b>11</b>	<b>24</b>	<b>7.1</b>

Source: AIHW Adoptions Australia data collection.

**Table A13: Number of intercountry adoptions from Hague countries, 2007–08, by type of order under which the child entered Australia**

Country of origin	Full adoption order in country of origin	Guardianship order	Total
Bolivia	1	—	1
Burundi	1	—	1
China <sup>(a)</sup>	5	—	5
Colombia	3	—	3
Hong Kong <sup>(b)</sup>	—	1	1
India	—	25	25
Peru	1	—	1
Philippines	—	41	41
Sri Lanka	6	—	6
Thailand	—	15	15
<b>Total Hague intercountry adoptions</b>	<b>17</b>	<b>82</b>	<b>99</b>
<b>Per cent of total</b>	<b>17.2</b>	<b>82.8</b>	<b>100.0</b>

(a) Excludes Special Administrative Regions and Taiwan Province.

(b) Special Administrative Region of China.

Source: AIHW Adoptions Australia data collection.

**Table A14: Number of local and intercountry adoptions, by age of the adoptive parent(s), 2007–08**

	Age group (years)								Total
	Under 25	25–29	30–34	35–39	40–44	45–49	50–54	55+	
	<b>Age of adoptive mother</b>								
Local adoptions	—	2	12	29	22	3	2	—	70
Intercountry adoptions									
Hague	—	—	5	28	35	24	6	1	99
Non-Hague	—	5	19	43	60	38	5	1	171
<i>Total intercountry</i>	—	5	24	71	95	62	11	2	270
<b>Total local and intercountry adoptions</b>	—	<b>7</b>	<b>36</b>	<b>100</b>	<b>117</b>	<b>65</b>	<b>13</b>	<b>2</b>	<b>340</b>
	<b>Age of adoptive father</b>								
Local adoptions	—	—	8	33	21	3	4	1	70
Intercountry adoptions									
Hague	—	—	5	18	33	28	11	2	97
Non-Hague	—	2	13	42	56	35	13	4	165
<i>Total intercountry</i>	—	2	18	60	89	63	24	6	262
<b>Total local and intercountry adoptions</b>	—	<b>2</b>	<b>26</b>	<b>93</b>	<b>110</b>	<b>66</b>	<b>28</b>	<b>7</b>	<b>332</b>

Note: The total for fathers does not add to the total number of local and intercountry adoptions (340) because 8 mothers were single.

Source: AIHW Adoptions Australia data collection.

**Table A15: Number of adoption visas (subclass 102) issued during 2007–08**

Country of birth	Adoptions arranged by Australian state/territory authority	Adoptions arranged by overseas agency/ authority	Total
Bolivia	1	1	2
Bosnia and Herzegovina	—	1	1
Bulgaria	1	—	1
Burundi	1	—	1
Cambodia	6	12	18
China <sup>(a)</sup>	78	4	82
Colombia	3	1	4
Ethiopia	37	1	38
Fiji	—	9	9
Ghana	—	1	1
Guatemala	—	3	3
Hong Kong <sup>(b)</sup>	3	8	11
India	15	4	19
Indonesia	1	3	4
Iran	—	1	1
Japan	—	1	1
Kenya	—	2	2
Kyrgyzstan	—	1	1
Laos	—	1	1
Lithuania	3	—	3
Malaysia	—	8	8
Mauritius	1	—	1
Moldova	—	1	1
Pakistan	—	1	1
Papua New Guinea	1	1	2
Peru	1	—	1
Philippines	45	3	48
Russian Federation	—	1	1
Samoa	—	2	2
Singapore	—	2	2
South Africa	2	1	3
South Korea	44	—	44
Sri Lanka	7	—	7
Taiwan	26	—	26
Thailand	19	6	25
Tonga	—	1	1
Uganda	—	2	2
United Kingdom	2	1	3
United States of America	—	8	8
Vanuatu	—	3	3
Vietnam	—	4	4
Stateless	—	1	1
<b>Total</b>	<b>297</b>	<b>100</b>	<b>397</b>

(a) Excludes Special Administrative Regions and Taiwan Province.

(b) Special Administrative Region of China.

*Note:* This table relates to visas (subclass 102) that were issued during the financial year 2007–08. Not all children who are issued visas entered Australia during 2007–08. Only the persons recorded by the Department of Immigration and Citizenship (DIAC) are included in this table.

*Source:* Australian Government, Department of Immigration and Citizenship, unpublished data.

**Table A16: Local adoptions, by median age of birth mother, 1998–99 to 2007–08**

Year	Median age of birth mother
1998–99	24.0
1999–00	23.0
2000–01	24.0
2001–02	24.0
2002–03	21.0
2003–04	23.0
2004–05	23.0
2005–06	26.5
2006–07	24.0
<b>2007–08</b>	<b>24.0</b>

Source: AIHW Adoptions Australia data collection.

**Table A17: Local adoptions, by marital status and age of birth mother, 2007–08**

Age group (years)	Married		Unmarried <sup>(a)</sup>		Total	
	Number	Per cent	Number	Per cent	Number	Per cent
Under 20	5	22.7	8	16.7	13	18.6
20–24	5	22.7	20	41.7	25	35.7
25–29	6	27.3	8	16.7	14	20.0
30–34	3	13.6	5	10.4	8	11.4
35–39	1	4.5	4	8.3	5	7.1
40–44	2	9.1	2	4.2	4	5.7
45+	—	—	1	2.1	1	1.4
<b>Total</b>	<b>22<sup>(b)</sup></b>	<b>100.0</b>	<b>48</b>	<b>100.0</b>	<b>70</b>	<b>100.0</b>

(a) Includes de facto marriage relationships. Refer to the Glossary for category descriptions.

(b) Includes 2 adoptions where the birth mother was married to someone other than the child's birth father, at the time of birth.

Note: Percentages may not add to 100 because of rounding.

Source: AIHW Adoptions Australia data collection.

**Table A18: Local adoptions, by marital status of birth mother, 1998–99 to 2007–08**

Year	Married		Unmarried <sup>(a)</sup>		Unknown	Total
	Number	Per cent	Number	Per cent	Number	
1998–99	14	12.0	103	88.0	10	127
1999–00	10	12.5	70	87.5	26	106
2000–01	14	19.4	58	80.6	16	88
2001–02	7	7.4	87	92.6	13	107
2002–03	5	6.7	70	93.3	3	78
2003–04	6	8.5	65	91.5	2	73
2004–05	6	9.2	59	90.8	—	65
2005–06	7	11.9	52	88.1	1	60
2006–07	8	13.8	50	86.2	1	59
<b>2007–08</b>	<b>22<sup>(b)</sup></b>	<b>31.4</b>	<b>48</b>	<b>68.6</b>	<b>—</b>	<b>70</b>

(a) Includes de facto marriage relationships. Refer to the Glossary for category descriptions.

(b) Includes two adoptions where the birth mother was married to someone other than the child's birth father, at the time of birth.

*Notes*

1. Percentages exclude 'unknown'.
2. Changes to the categories of adoption, introduced in 1998–99, limit the amount of trend data available for 'local' adoptions (see Figure 2.1).

Source: AIHW Adoptions Australia data collection.

**Table A19: Proportion of local adoptions, by type of agreement, 1998–99 to 2007–08 (per cent)**

Year	No contact or information exchange	Some contact and/or information exchange
1998–99	9.7	90.3
1999–00	8.1	91.9
2000–01	6.9	93.1
2001–02	6.3	93.7
2002–03	16.2	83.8
2003–04	6.8	93.2
2004–05	8.1	91.9
2005–06	5.0	95.0
2006–07	11.9	88.1
<b>2007–08</b>	<b>22.9</b>	<b>77.1</b>

Source: AIHW Adoptions Australia data collection.

**Table A20: Local adoptions, by type of arranging body, 2007–08**

Arranging body	Number	Per cent
Government department	46	65.7
Non-government agency	24	34.3
<b>Total</b>	<b>70</b>	<b>100.0</b>

Source: AIHW Adoptions Australia data collection.

**Table A21: 'Known' child adoptions, by relationship to adoptive parent(s), 1998–99 to 2007–08**

	Step-parent	Relative <sup>(a)</sup>	Carer	Other	Total
	<b>Number</b>				
1998–99	116	8	48	..	172
1999–00	114	2	43	..	159
2000–01	98	1	29	..	140 <sup>(b)</sup>
2001–02	103	5	52	..	160
2002–03	72	2	29	..	116 <sup>(c)</sup>
2003–04	31	3	25	..	59
2004–05	52	5	29	..	86
2005–06	69	5	21	..	95
2006–07	79	3	22	..	104
<b>2007–08</b>	<b>67</b>	<b>4</b>	<b>26</b>	<b>3</b>	<b>100</b>
	<b>Per cent<sup>(d)</sup></b>				
1998–99	67.4	4.7	27.9	..	100.0
1999–00	71.7	1.3	27.0	..	100.0
2000–01	76.6	0.8	22.7	..	100.0
2001–02	64.4	3.1	32.5	..	100.0
2002–03	69.9	1.9	28.2	..	100.0
2003–04	52.5	5.1	42.4	..	100.0
2004–05	60.5	5.8	33.7	..	100.0
2005–06	72.6	5.3	22.1	..	100.0
2006–07	76.0	2.9	21.2	..	100.0
<b>2007–08</b>	<b>67.0</b>	<b>4.0</b>	<b>26.0</b>	<b>3.0</b>	<b>100.0</b>

(a) Includes relatives other than step-parents.

(b) Total includes 12 children where relationship with adoptive parent(s) was unknown.

(c) Total includes 13 children where relationship with adoptive parent(s) was unknown.

(d) Percentage excludes children where relationship with adoptive parent(s) was unknown.

#### Notes

- Changes to the categories of adoption introduced in 1998–99 limit the amount of trend data available for 'known' child adoptions (see Figure 2.1).
- The 'Other' category was added in 2007–08. Before this, children adopted by commissioning (surrogate) parents were included in the 'Relative' category.
- Refer to the Glossary for definitions of the adoption categories.

Source: AIHW Adoptions Australia data collection.

**Table A22: 'Known' child adoptions, by relationship to adoptive parents, by age and sex of child, 2007-08**

Age (years)	Step-parent			Relative <sup>(a)</sup>			Carer			Other			Total		
	M	F	P	M	F	P	M	F	P	M	F	P	M	F	P
<b>Number</b>															
Under 1	—	—	—	—	—	—	—	—	—	—	1	1	—	1	1
1-4	2	—	2	—	—	—	1	3	4	—	—	—	3	3	6
5-9	7	8	15	—	1	1	5	2	7	—	1	1	12	12	24
10-14	13	11	24	3	—	3	1	7	8	—	1	1	17	19	36
15-17	10	7	17	—	—	—	1	1	2	—	—	—	11	8	19
18+	6	3	9	—	—	—	2	3	5	—	—	—	8	6	14
<b>Total</b>	<b>38</b>	<b>29</b>	<b>67</b>	<b>3</b>	<b>1</b>	<b>4</b>	<b>10</b>	<b>16</b>	<b>26</b>	<b>—</b>	<b>3</b>	<b>3</b>	<b>51</b>	<b>49</b>	<b>100</b>
<b>Per cent</b>															
Under 1	—	—	—	—	—	—	—	—	—	—	33.3	33.3	—	2.0	1.0
1-4	5.3	—	3.0	—	—	—	10.0	18.8	15.4	—	—	—	5.9	6.1	6.0
5-9	18.4	27.6	22.4	—	100.0	25.0	50.0	12.5	26.9	—	33.3	33.3	23.5	24.5	24.0
10-14	34.2	37.9	35.8	100.0	—	75.0	10.0	43.8	30.8	—	33.3	33.3	33.3	38.8	36.0
15-17	26.3	24.1	25.4	—	—	—	10.0	6.3	7.7	—	—	—	21.6	16.3	19.0
18+	15.8	10.3	13.4	—	—	—	20.0	18.8	19.2	—	—	—	15.7	12.2	14.0
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>—</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>

M = male, F = female, P = persons

(a) Includes relatives other than step-parents.

*Notes*

1. Percentages may not add to 100 because of rounding.
2. Refer to the Glossary for definitions of the adoption categories.

Source: AIHW Adoptions Australia data collection.

**Table A23: Number of information applications and vetoes lodged, 1992-93 to 2007-08**

<b>Year</b>	<b>Applications for access to information lodged</b>	<b>Contact and information vetoes lodged</b>
1992-93	6,167	286
1993-94	6,135	359
1994-95	6,252	584
1995-96	5,567	426
1996-97	4,455	259
1997-98	4,324	174
1998-99	5,430	174
1999-00	5,008	146
2000-01	4,304	113
2001-02	4,159	88
2002-03	3,744	137
2003-04	3,407	63
2004-05	3,414	56
2005-06	3,038	58
2006-07	2,851	80
<b>2007-08</b>	<b>2,832</b>	<b>140</b>

*Note:* Contact vetoes lodged do not necessarily relate directly to the information applications lodged—contact vetoes may have been lodged in relation to adoptions for which information may never be requested.

*Source:* AIHW Adoptions Australia data collection.

# Appendix B Legislation

## B.1 Summary of legislation

### Commonwealth

*Immigration (Guardianship of Children) Act 1946*

*Marriage Act 1961*

*Family Law Reform Act 1996*

### New South Wales

*Adoption Act 2000*

Adoption Regulation 2003

Please note: The *Adoption Amendment Bill 2008* was passed on 21 October 2008 – some of the NSW information listed below will change when this bill enters into force.

### Level of court

Supreme Court of New South Wales

### Step-parent adoptions

Applications may be made to the Supreme Court by a step-parent for formal adoption of a step-child. The child must be at least 5 years old and have had a relationship for at least 3 years with the step-parent. A contracted adoption assessor is appointed by the New South Wales Department of Community Services (DoCS) to provide a written assessment of the case, which is submitted with the application to court to assist the court in its decision making.

### Relative adoptions

There is provision for adoptions by relatives. The child must have an established relationship for at least 5 years with the applicant/s. These adoptions are made only in exceptional circumstances, that is, where a parental responsibility order or other order made through the Family Court would not adequately provide for the interests and welfare of the child.

### Carer adoptions

Children may be adopted by their carers if the parents consent, if the Supreme Court dispenses with their consent, or if the child consents (aged over 12 years and has been with the carers for 5 years), and if adoption is seen to be in the child's best interests and, all alternatives having been considered, adoption is preferable to any other order.

## **Local and intercountry adoptions**

Eligibility requirements:

- Applicants for adoption must be resident in New South Wales, over 21 years of age, and may be a single person or a couple who have been living together continuously for 3 years where at least one applicant is an Australian citizen. Gazetted selection criteria apply and are available on the DoCS website at [www.community.nsw.gov.au/html/adoption/adoption.htm](http://www.community.nsw.gov.au/html/adoption/adoption.htm).
- The main consideration for any adoption order being made is that it is in the best interests of the child concerned in both childhood and later life.
- Arrangements must be made by DoCS or an accredited adoption service provider such as Centacare Adoption Services, Anglicare Adoption Services and Barnardos Australia.

## **Adoption of Indigenous children**

Aboriginal and Torres Strait Islander children must be placed in accordance with the Aboriginal and Torres Strait Islander Child Placement Principles outlined in the Act.

## **Victoria**

*Adoption Act 1984*

Adoption Regulations 2008

### **Level of court**

Supreme Court and County Court

### **Step-parent and other-relative adoptions**

In all cases of placement with relatives, attempts are made to place the child on an order made through the Family Court. An adoption order in favour of a relative or step-parent is made only if exceptional circumstances exist and if an order from the Family Court will not make adequate provision for the welfare and interests of the child.

A solicitor may prepare an application for formal adoption by a step-parent or other relative. The application must be notified to the Victorian Department of Human Services (DHS) or an approved non-government adoption agency for the preparation of an assessment report on the prospective adoptive parents. The report is submitted with the application to the County or Supreme Court.

Adoptions are arranged by the DHS or an approved non-government agency (listed in the section below).

## **Local and intercountry adoptions**

Eligibility requirements:

- a married/de facto couple for more than 2 years
- a single person, if special circumstances exist in relation to the child.

Intercountry adoptions are arranged only via the DHS. However, local adoptions may be arranged by the DHS or an approved non-government organisation – including Connections, Anglicare Western, Anglicare Gippsland, Centacare Catholic Family Services, St Lukes Anglicare, and Child and Family Services Ballarat.

## **Adoption of Indigenous children**

The Adoption Act recognises the principles of Aboriginal self-management and self-determination, and that adoption is not available in Aboriginal child care arrangements. Restrictive eligibility criteria are in place for the selection of adoptive parents for Indigenous children. The birth parent(s) of an Indigenous child can place the condition on adoption that the child go to Indigenous adoptive parents, or that a right of access be granted to the natural parents, other relatives and members of the Aboriginal community.

## **Queensland**

*Adoption of Children Act 1964*

Adoption of Children Regulation 1999

### **Level of court**

The Director-General of the Department of Child Safety (DChS) is solely responsible for making adoption orders in Queensland. The Children's Court or Supreme Court may be involved with the dispensation of consent. The Supreme Court also has the power to recognise adoption orders made under the law of a country outside the Commonwealth and the territories of the Commonwealth as well as the power to discharge an adoption order for the adoption of a child made under the *Adoption of Children Act 1964*.

### **Step-parent adoptions**

Adoption by step-parents can be arranged only through the DChS.

### **Other-relative adoptions**

There is provision under the Act for adoptions by relatives other than step-parents in exceptional circumstances, that is, when a guardianship or custody order will not adequately provide for the interests and welfare of the child. However, no order has been made in favour of a relative other than a step-parent in recent years.

### **Local and intercountry adoptions**

Eligibility requirements:

- General adoption – one applicant must be an Australian citizen and applicants must reside or be domiciled in Queensland. Applicants must be infertile, married for at least 2 years and in good health. The applicants must not have custody of more than one child at the time of application.
- Intercountry adoption – one applicant must be an Australian citizen and applicants must reside or be domiciled in Queensland. Applicants can have no more than four children in their custody and must be married for 2 years and in good health.
- Special-needs adoption – applicants must be in good health, one applicant must be an Australian citizen, and applicants must reside or be domiciled in Queensland.

The DChS is the only agency legally authorised to arrange adoptions in Queensland.

## **Adoption of Indigenous children**

The placement of an Indigenous child with adoptive parents is undertaken in accordance with the requirements of the *Adoption of Children Act 1964* and the DChS Aboriginal and Torres Strait Islander Child Placement Principle. Prospective parents of the same, or a

similar, Indigenous or cultural background as the child are selected after consultation with appropriate Indigenous services or community groups to facilitate decision making.

The Act makes provision for a child to be adopted by adoptive parents with a different racial and cultural background from the child where it is apparent that there are no prospective parents from the child's background or where it is in a child's best interests for the placement to occur. However, it is not the policy of the DChS to place children from an Indigenous background with non-Indigenous adoptive parents.

### **Review of *Adoption of Children Act 1964***

The Department of Child Safety is currently reviewing Queensland's adoption legislation.

## **Western Australia**

*Adoption Act 1994*

Adoption Regulations 1995

### **Level of court**

Family Court of Western Australia

### **Step-parent adoptions**

Amendments effective from June 2003 require people considering step-parent adoption to obtain a determination from the Family Court of Western Australia that a step-parent order would be preferable to a consent (parenting) order.

The consent of the non-custodial birth parent, or an order from the Family Court of Western Australia to dispense with such consent, is required. An adoption plan needs to be negotiated between the non-custodial birth parent and the adoptive parent, or dispensed with by the Court, before the adoption can be finalised.

Step-parents wishing to adopt their step-child must give 60 days notice to the department of their intention to apply for an order of adoption. It may be necessary to engage the services of a solicitor for this purpose, as well as to make the application to the Family Court of Western Australia for an adoption order.

The Department for Child Protection is required to provide a complete assessment report to the Court.

### **Other-relative adoptions**

Adoption by relatives is not permitted under the 2003 amendments made to the *Adoption Act 1994*. Adoption severs the legal link that the child has with his or her birth parents.

It is considered that parenting orders or consent orders made by the Family Court of Western Australia can better meet the needs of the child in situations where relatives wish to care for a related child. These orders can retain the legal link the child has with his or her birth family, while considering the day-to-day care needs of the child.

### **Carer adoptions**

Carer adoptions can occur when it is considered that the best interests of the child are served by the child being adopted by eligible and approved carers. The carers must have had the full-time care of the child for at least 3 consecutive years. The Department for Child

Protection must have arranged or approved the placement of the child with the carer and must be satisfied that the child will not return to live with the birth family or extended family. It is required that the birth parents give their consent to the adoption or that there is an order from the Family Court of Western Australia dispensing with consent. Unless dispensed with by the Family Court, an adoption plan is a legal requirement. The Family Court finalises the adoption by the granting of an adoption order.

### **Local and intercountry adoptions**

All known birth parents must be asked to give consent. Birth parents are involved in the selection process of adoptive parents by choosing a family from non-identifying profiles.

All adoptions are arranged through the Department for Child Protection.

Applicants must meet specific eligibility criteria before being considered for assessment.

An adoption plan is required to be made between birth parents and adopting parents, or an application to the Family Court made to dispense with the adoption plan, before the adoption order is granted in the Family Court of Western Australia.

The child's first given name is expected to be retained by the adoptive parents.

### **Adoption of Indigenous children**

Amendments to the *Adoption Act 1994* have included the Aboriginal and Torres Strait Islander Children – Placement for Adoption Principle, the appointment of an approved Aboriginal and Torres Strait Islander agency for consultation, and the requirement to consult with relevant Aboriginal and Torres Strait Islander staff about the placement or the potential adoption of an Aboriginal or Torres Strait Islander child. Preference is given to the placement of Aboriginal children with Aboriginal adoptive parents unless the child's birth parents specifically request otherwise.

### **South Australia**

*Adoption Act 1988*

Adoption Regulations 2004

#### **Level of court**

Youth Court of South Australia

#### **Step-parent adoptions**

In all cases, 'Leave to proceed' granted in the Family Court is required before step-parents can apply to adopt a step-child.

Adoption by step-parents is granted only in exceptional circumstances, that is, when there is no other order that will adequately provide for the interests and welfare of the child. These adoptions can be arranged only through the South Australian Department for Families and Communities (DFC).

#### **Other-relative adoptions**

There is provision for adoptions by relatives other than step-parents in exceptional circumstances, that is, when there is no other order that will adequately provide for the

interests and welfare of the child. Adoption by relatives can be arranged only through the DFC.

### **Local and intercountry adoptions**

Eligibility requirements:

- a married couple or a de facto couple for more than 5 years at the time of the making of the adoption order, 3 years for allocation or placement of child
- a single person in particular circumstances.

Adoptions can be arranged only through the DFC.

### **Adoption of Indigenous children**

Restrictive eligibility criteria apply for adoptive parents in accordance with the Aboriginal Child Placement Principle.

### **Tasmania**

*Adoption Act 1988*

*Adoption Amendment Act 2007*

Adoption Regulations 2006

### **Level of court**

Magistrate sitting alone

### **Step-parent adoptions**

Adoption by step-parents is possible in some circumstances. If the child's father has not legally established his paternity, and does not do so within 30 days of the mother signing the consent to adoption, an application may be made through the Department of Health and Human Services (DHHS). If the child's paternity has been legally established, adoption is possible only in special circumstances which justify adoption and when other available orders will not provide adequately for the welfare and interest of the child. All applications for an adoption order in favour of a step-parent adoption must be made through the DHHS.

### **Other-relative adoptions**

The court's power to make an adoption order in favour of a relative is limited to special circumstances that justify adoption and when other available orders will not provide adequately for the welfare and interests of the child. All applications for an adoption order in favour of a relative must be made through the DHHS.

### **Local and intercountry adoptions**

Eligibility requirements:

- a married couple for more than 3 years, with any period of time spent in de facto relationship before marriage included in time assessment
- a single person only in special circumstances relating to the welfare and interests of the child.

Adoptions by non-relatives can be arranged by DHHS or a non-government organisation approved by the Minister for Health and Human Services.

### **Adoption of Indigenous children**

Not included in legislation although birth parents may express wishes about race of adoptive parents. The cultural differences of Indigenous people are recognised; placement within the Aboriginal community is the preferred option.

### **Australian Capital Territory**

*Adoption Act 1993*

#### **Level of court**

Supreme Court

#### **Step-parent adoptions**

Adoption by step-parents can be arranged only through the Office for Children, Youth and Family Support (OCYFS).

#### **Other-relative adoptions**

There is provision for adoptions by relatives other than step-parents in exceptional circumstances, that is, when a guardianship or custody order will not adequately provide for the interests and welfare of the child.

Adoption by relatives can be arranged only through the OCYFS.

#### **Local and intercountry adoptions**

Eligibility requirements:

- a married couple for more than 3 years
- a de facto couple for more than 3 years
- a single person in particular circumstances.

Adoptions by non-relatives must be arranged through the OCYFS.

### **Adoption of Indigenous children**

Restrictive eligibility criteria apply for adoptive parents in accordance with the Aboriginal Child Placement Principle.

### **Northern Territory**

*Adoption of Children Act 1994*

The Adoption of Children Act was amended to enable the issue of Australian birth certificates for overseas-born adopted children, whenever the necessary birth information is provided by the country of origin. This applies irrespective of whether the adoption is finalised in the Local Court or as a foreign adoption order, automatically recognised under Australian law. The amendment came into effect on 3 July 2006.

**Level of court**

Local Court

**Step-parent adoptions**

Other arrangements are sought before an adoption order is considered.

**Other-relative adoptions**

There is provision for adoptions by relatives other than step-parents in exceptional circumstances, that is, when a guardianship or custody order will not adequately provide for the interests and welfare of the child.

**Local and intercountry adoptions**

Eligibility requirements:

- a married couple for 2 years or more
- a single person in exceptional circumstances.

All adoptions must be arranged through the Department of Health and Community Services.

**Adoption of Indigenous children**

Adoptions of Indigenous children can occur only if alternative custody with the child's extended family cannot be arranged. If an order is made it must comply with the Aboriginal Child Placement Principle.

## **B.2 Provisions for ‘open’ adoptions**

### **New South Wales**

New South Wales practice recognises that a variety of relationships may exist between a child’s adoptive and birth families. An adoption plan, which may include the regular exchange of information and/or contact, is usually presented to the court at the time an adoption order is sought. Increasingly, birth parents are participating in the choice of the adoptive family for their child. The Department of Community Services or agency which arranged the adoption will help with mediating ongoing contact after the adoption order, if necessary.

### **Victoria**

The *Adoption Act 1984* provides that an adoption order can include conditions regarding information exchange and/or access between the parties. After signing the consent, birth parents are given the opportunity to express wishes concerning contact and information exchange, which are considered when placement decisions are made. At the time of signing the adoption consent, birth parents are asked whether they wish to be actively involved in selecting an adoptive family. Birth parents are encouraged to consider profile information on approved adoption applicants who have been assessed as suitable for the child, and to indicate the couple with whom they would prefer the child to be placed. After placement, there may be direct contact between the parties, or an exchange of information. When the arrangements form part of the adoption order, there is a legally binding way to resolve any disputes that may arise.

### **Queensland**

Under the provisions of the *Adoption of Children Act 1964*, identifying information remains confidential until an adopted person reaches 18 years of age.

It is possible for adoptive parents and members of a child’s birth family to exchange correspondence via Adoption Services before a child turns 18 years of age, where both parties agree to the exchange of correspondence. Families participating in the exchange of correspondence have no direct contact with each other and only non-identifying information can be communicated.

### **Western Australia**

Since the *Adoption Act 1994*, all adoptions are considered open. All parties to an adoption have access to information, which is either ‘identifying’ or ‘non-identifying’. The level of information depends on when the adoption took place. The 2003 amendments to the Act meant that no new information vetoes can be placed and existing information vetoes became ineffective. Contact vetoes could no longer be placed after 1 June 2003.

Adoption plans, which are a requirement for an adoption, specify whether contact will occur between the parties to an adoption and what level this will take. The contact details can be varied at a later stage through agreement and by approval of the Family Court of Western Australia.

## **South Australia**

Under the *Adoption Act 1988*, 'open' arrangements are possible between parties to the adoption. This can involve access to information or contact between the parties. The arrangements are not legally binding and are to be facilitated and mediated by the Department for Families and Communities.

## **Tasmania**

In general, Tasmania promotes openness. 'Open' adoptions are arranged if it is the wish of the birth and adoptive parents.

## **Australian Capital Territory**

Legislation allows for conditional orders (i.e. where contact frequency and other arrangements can be specified). Since the new legislation in 1993, all adoptions are regarded as 'open', that is, some form of contact or information exchange is encouraged. Conditional orders are now routinely recommended to the court.

## **Northern Territory**

'Open' adoptions have been available since the *Adoption of Children Act 1994* was introduced. It is an option for relinquishing parents.

## **B.3 Access to information and veto systems**

### **New South Wales**

#### **Access to information**

In New South Wales, the *Adoption Act 2000* enables an adopted person aged 18 years or over to have access to his or her original birth certificate and to information about his or her origins. It also enables birth parents to have access to details of their child's adopted identity when that child reaches 18 years of age. Birth parents can access information about their child's life after adoption, such as their health and welfare, while the child is under the age of 18 years. With the permission of the adoptive parents, identifying information may be released.

Adoptive parents receive non-identifying information about their child's family of origin when the child is under 18 years old. With the permission of the birth parent, identifying information may be released.

Adult adopted persons, birth parents and adoptive parents are able to lodge a request for advanced notice of an application for identifying information about themselves. This will delay the release of the information for a period of 2 months to allow everyone time to prepare for its release.

#### **Veto system**

Contact veto provisions do not apply to adoptions made after 26 October 1990. Where an order of adoption was made before that date, birth parents and adult adopted persons are able to lodge a contact veto. On the lodgement of a contact veto it becomes an offence for the information recipient to try to make contact with the person who imposed the contact veto. Information about that person can be released if the applicant for the information gives a written undertaking not to use the information to seek contact.

### **Victoria**

#### **Access to information**

In Victoria, an adopted person aged 18 years or over may apply for a copy of his or her original birth certificate and adoption records. An adopted person under the age of 18 years requires his or her adoptive parents' written agreement before information can be given, and the written consent of the birth parent(s) is required before identifying information can be given.

Birth parents and birth relatives may obtain non-identifying information from records about the adopted person. Identifying information can be given with the written consent of the adopted person if he or she is aged 18 years or over, or of the adoptive parents if the adopted person is under 18 years old.

Adult children of adopted persons have the same rights to information as the adopted person, providing the adopted person is first informed in writing or, where the adopted person is dead, a copy of the death certificate is provided.

Adoptive parents may apply for information about the birth family's background. The written permission of the birth parent is required before identifying information may be released. Also, where the adopted person is aged 18 years or over, the adopted person must be notified in writing of the intention to release identifying information about the birth family.

### **Veto system**

There is no veto system in Victoria. Instead, a register operates on which people can record their wishes in relation to giving or receiving information and making contact. Although adopted persons can make contact with birth relatives themselves, an authorised agency makes contact with adopted persons on behalf of birth parents and relatives or with birth parents on behalf of adoptive parents. The agency will ask the parties what their wishes are and mediate between them.

## **Queensland**

### **Access to information**

The *Adoption of Children Act 1964* makes different provisions for the release of information depending on whether an adoption order was made before or after June 1991.

Under the provisions of the Act, birth parents who sign an adoption consent after June 1991 and persons who were adopted after June 1991 have an unqualified entitlement to receive identifying information about each other, once the adopted person reaches 18 years of age. When this happens, identifying information will be provided on request to the person who was adopted or to the birth parent or parents who signed an adoption consent in relation to the person who was adopted.

Under the provisions of the Act, identifying information can be provided to birth parents who signed an adoption consent before June 1991 and persons who were adopted before June 1991 if an objection to the disclosure of identifying information has not been lodged by one of the parties to the adoption.

In certain circumstances, eligible relatives of an adopted person or of a birth parent who signed an adoption consent can obtain identifying information.

The adopted person and the birth parent who signed the adoption consent can lodge an objection to contact only or an objection to contact and the disclosure of identifying information for adoptions before June 1991.

### **Veto (objection) system**

In Queensland, vetoes are referred to as objections. *The Adoption of Children Act 1964* makes provision for birth parents who signed an adoption consent before June 1991 and persons who were adopted before June 1991 to lodge an objection to contact only or an objection to the disclosure of identifying information and contact.

An objection to contact or an objection to the disclosure of identifying information and contact remains in force unless it is revoked by the person who lodged the objection.

The Act makes no provision for birth parents who sign or have signed an adoption consent after June 1991 and persons who were adopted after June 1991 to lodge an objection to contact or an objection to the disclosure of identifying information and contact.

## **Western Australia**

### **Access to information**

At the time of placement of a child, an adoption plan must be negotiated between the birth parents and adoptive parents to facilitate the sharing of information about the child. This requirement may be dispensed with by application to the Family Court of Western Australia. Birth parents, adoptive parents and adopted persons over 18 years of age may obtain non-identifying information about the adoption from departmental records. All parties to an adoption can have access to birth and court records at the discretionary authority of the Departmental CEO. Amendments to the *Adoption Act 1994* gazetted in 2003 prohibit the placement of any new information vetoes on adoptions since that date.

### **Veto system**

In Western Australia, a 'message box system' operates which allows anonymous contact between the parties.

Under the *Adoption Act 1994*, where the adoption occurred before 1 January 1995 an adopted person aged 18 years or over, birth parents and adoptive parents can have access to birth records and adoption court records (i.e. identifying information); an adopted person less than 18 years of age can have access to birth records and adoption court records subject to consent from the adoption parties. Since the 2003 changes to the legislation, no new information vetoes are permitted to be lodged. All existing information vetoes were removed in June 2005.

Less restrictive access to identifying information applies for adopted people, adoptive parents and birth parents where the adoption occurred after 1 January 1995. The 2003 legislative amendments have ensured that adoption is open and all parties will have access to identifying information.

Furthermore, as a result of these amendments, contact vetoes can no longer be lodged. The adoption plan agreed to by parties to the adoption can, however, include provisions for no contact between parties. Adoption plans are registered with the Family Court of Western Australia and can be varied by the Family Court.

## **South Australia**

### **Access to information**

In South Australia, adopted people aged 18 years or over can have access to information contained in their original birth certificate, as well as details about their natural parents (if known) such as occupation, date of birth, physical attributes and personal interests. Adopted people are also entitled to know the names of any biological siblings who were adopted. Once the adopted person reaches 18 years of age, the birth parents can have access to the adoptive name of their relinquished child and the names of the adoptive parents. Adoptive parents can now apply for certain information under certain circumstances. Descendants of an adopted person and certain birth relatives of the adopted person can apply for information under certain circumstances.

### **Veto system**

Both adopted persons and birth parents can veto the release of identifying information, thus making contact more difficult, although a specific contact veto is not available. The veto

provision is available only for adoptions that occurred before the state's *Adoption Act 1988* came into force.

Adoptive parents are able to lodge a veto to restrict identifying information about themselves being released to the birth parents with a provision that this does not prevent the adopted person and the birth parent from making contact with each other. Certain information is also available to adoptive parents.

## **Tasmania**

### **Access to information**

In Tasmania, an adopted person aged 18 years or over may apply for access to his or her pre-adoption birth record and information from the adoption record. An adopted person aged less than 18 years may apply for this information with the written consent of his or her adoptive parents. Birth parents, birth relatives and lineal descendants of an adopted person may apply for non-identifying information at any time or for identifying information when the adopted person is aged 18 years or over. Adoptive parents may apply for non-identifying information at any time but may receive information which includes the name of a birth parent only with the written permission of the birth parent concerned.

All applicants who are resident in Tasmania must attend an interview with an approved counsellor before receiving information.

### **Veto system**

The right to information is unqualified, but a contact veto may be registered. Any adopted person, birth parent, birth relative, lineal descendant of an adopted person or adoptive parent may register a contact veto. Where a veto has been registered, identifying information is released only after an undertaking not to attempt any form of contact has been signed. An attempt to make contact where a veto is in force is an offence. A contact veto may be lifted at any time by the person who lodged it.

## **Australian Capital Territory**

### **Access to information**

Under the Australian Capital Territory's *Adoption Act 1993*, an adopted person aged 18 years or over, birth parents, adoptive parents and birth relatives may apply for identifying information in relation to the adoption. Identifying information consists of a copy of, or extract from, an entry in a register of births relating to the adopted child, or information from which a birth parent, birth relative or adopted child may be identified (excluding the address of a place of residence).

Before the *Adoption Act 1993*, no provision for adoption information existed. However, as the Act is retrospective, information is now available for adoptions that occurred under the old Act.

### **Veto system**

Under the Australian Capital Territory's *Adoption Act 1993*, only contact vetoes may be registered. The veto has to refer to a specified person or a specified class of persons.

The Act provides for an unqualified right to information, but also gives the adopted person aged over 17 years 6 months, an adoptive parent, birth parent, adult birth relatives, adoptive

relatives and adult children or other descendants of the adopted person the right to lodge a contact veto. On the lodgement of such a veto, it becomes an offence for the information recipient to try to make contact with the person who imposed the contact veto.

Where information is requested and a contact veto is in force, no information is given unless the person requesting information has attended a counselling service and has signed a declaration that he or she will not attempt contact in any form.

The Act also makes provision for greater accountability in obtaining consents to adoptions, augments the rights of the birth parents and promotes a more open system of adoption.

## **Northern Territory**

### **Access to information**

In the Northern Territory, legislation before the *Adoption of Children Act 1994* did not provide for the release of information to any parties to an adoption. Since the introduction of the new Act there is provision for a more open process, with identifying information being available unless a veto has been lodged. Indigenous child care agencies are authorised to counsel for the purpose of supplying identifying information.

### **Veto system**

A 3-year renewable veto may be lodged by the adopted person or birth parents with respect to adoptions finalised before 1994. There is no veto provision with respect to adoptions finalised under the new Act.

# Appendix C Countries party to the Hague Convention

Listed below are the countries party to the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption. This information is correct as at 2 October 2008.

Country	Date Convention came into effect	Country	Date Convention came into effect
Albania	1 January 2001	Georgia <sup>(a)</sup>	1 August 1999
Andorra <sup>(a)</sup>	1 May 1997	Germany	1 March 2002
Armenia <sup>(a)</sup>	1 June 2007	Guatemala <sup>(a)</sup>	1 March 2003
Australia	1 December 1998	Guinea <sup>(a)</sup>	1 February 2004
Austria	1 September 1999	Hungary	1 August 2005
Azerbaijan <sup>(a)</sup>	1 October 2004	Iceland <sup>(a)</sup>	1 May 2000
Belarus	1 November 2003	India	1 October 2003
Belgium	1 September 2005	Israel	1 June 1999
Belize <sup>(a)</sup>	1 April 2006	Italy	1 May 2000
Bolivia	1 July 2002	Kenya <sup>(a)</sup>	1 June 2007
Brazil	1 July 1999	Latvia	1 December 2002
Bulgaria	1 September 2002	Lithuania <sup>(a)</sup>	1 August 1998
Burkina Faso	1 May 1996	Luxembourg	1 November 2002
Burundi <sup>(a)</sup>	1 February 1999	Madagascar	1 September 2004
Cambodia <sup>(a)</sup>	1 August 2007	Mali <sup>(a)</sup>	1 September 2006
Canada	1 April 1997	Malta <sup>(a)</sup>	1 February 2005
Chile	1 November 1999	Mauritius <sup>(a)</sup>	1 January 1999
China <sup>(b)</sup>	1 January 2006	Mexico	1 May 1995
Colombia	1 November 1998	Moldova <sup>(a)</sup>	1 August 1998
Costa Rica	1 February 1996	Monaco <sup>(a)</sup>	1 October 1999
Cuba <sup>(a)</sup>	1 June 2007	Mongolia <sup>(a)</sup>	1 August 2000
Cyprus	1 June 1995	Netherlands	1 October 1998
Czech Republic	1 June 2000	New Zealand <sup>(a)</sup>	1 January 1999
Denmark <sup>(c)</sup>	1 November 1997	Norway	1 January 1998
Dominican Republic <sup>(a)</sup>	1 March 2007	Panama	1 January 2000
Ecuador	1 January 1996	Paraguay <sup>(a)</sup>	1 September 1998
El Salvador	1 March 1999	Peru	1 January 1996
Estonia <sup>(a)</sup>	1 June 2002	Philippines	1 November 1996
Finland	1 July 1997	Poland	1 October 1995
France	1 October 1998	Portugal	1 July 2004

*(continued)*

Country	Date Convention came into effect	Country	Date Convention came into effect
Romania	1 May 1995	Sweden	1 September 1997
San Marino <sup>(a)</sup>	1 February 2005	Switzerland	1 January 2003
Seychelles <sup>(a)</sup>	1 October 2008	Thailand	1 August 2004
Slovakia	1 October 2001	Turkey	1 September 2004
Slovenia	1 May 2002	United Kingdom <sup>(d)</sup>	1 June 2003
South Africa <sup>(a)</sup>	1 December 2003	United States of America	1 April 2008
Spain	1 November 1995	Uruguay	1 April 2004
Sri Lanka	1 May 1995	Venezuela	1 May 1997
		<i>Total countries</i>	<i>76</i>

(a) These countries have acceded to the Convention.

(b) Includes the Special Administrative Regions of Hong Kong and Macau.

(c) Includes Faroe Islands—came into force 1 April 2007.

(d) Includes England, Northern Ireland, Scotland and Wales. The Convention came into force in the Isle of Man on 1 November 2003.

#### Notes

1. Countries that participated in the Seventeenth Session (a particular conference held by the Hague) are able to sign this Convention, with the option of also ratifying it. Alternatively, countries that did not participate in the Seventeenth Session are able to accede to this Convention. By signing the Hague Convention, a country expresses, in principle, its intention to become a party to the Convention. However, signature does not, in any way, oblige a country to take further action (towards ratification or not). A country is party to the Hague Convention if it has ratified or acceded to the Convention— this involves the legal obligation for the country to apply the Convention.
2. The following countries have signed, but are yet to ratify, the Convention: Ireland and the Russian Federation.

Source: Hague Conference on Private International Law website, <[www.hcch.net/index\\_en.php?act=conventions.status&cid=69](http://www.hcch.net/index_en.php?act=conventions.status&cid=69)>.

# Glossary

## Adoption

Adoption is the legal process by which a person legally becomes a child of the adoptive parents and legally ceases to be a child of his/her existing parent(s).

## Adoption categories

### Intercountry adoptions

Intercountry adoptions are adoptions of children from countries other than Australia, who are legally able to be placed for adoption, but who generally have had no previous contact with the adoptive parents. There are two categories of intercountry adoptions:

#### *Hague adoption*

A Hague adoption is where the adoptive child's country of origin has ratified or acceded to the Hague Convention, and the applicant/s file was sent after the Convention entered into force in this country. (See Appendix C for a list of relevant countries).

#### *Non-Hague adoption*

A non-Hague adoption is where the Hague Convention (on intercountry adoption) had *not* entered into force in the adoptive child's country of origin before the applicant/s file was sent.

## 'Known' child adoptions

'Known' child adoptions are adoptions of children who are Australian residents, who have a pre-existing relationship with the adoptive parent(s) and who are generally not able to be adopted by anyone other than the adoptive parent(s). These types of adoptions are broken down into the following categories depending on the child's relationship to the adoptive parent(s):

#### *Step-parent*

A 'step-parent' is the spouse of the child's natural parent or adoptive parent. Foster parents are not included in this category.

#### *Relative(s)*

This category includes any relative of the child, other than step-parents. For Indigenous children, 'other relative' includes those related through kinship arrangements.

#### *Carer*

Includes foster parents or other non-relatives who have been caring for the child, and have had the responsibility for making decisions concerning the daily care and control of the child for the relevant period (as specified by the relevant state/territory department) before the adoption.

### *Other*

Includes children adopted by commissioning (surrogate) parents, whether the commissioning parent is a relative or not.

### **Local adoptions**

Local adoptions are adoptions of Australian children – that is, children who are born in Australia or who are permanent residents of Australia before the adoption takes place, who are legally able to be placed for adoption, but who generally have had no previous contact with the adoptive parents.

### **Adoption order**

An adoption order is a judicial or administrative order, made by a competent authority under adoption legislation, by which the adoptive parent(s) become the legal parent(s) of the child.

### **Adoptive parent**

An adoptive parent is a person who has become the parent of a child or adult as the result of an adoption order.

### **Age of adopted child**

For ‘known’ child adoptions, the age of an adopted child is the age at the time of the adoption order. For local and intercountry adoptions, it is the age at which the child is placed with the adoptive family. Age is calculated from date of birth, in completed years.

### **Arrangements for intercountry adoptions**

There are two categories of arrangements:

#### *Full adoption order in child’s country of origin*

An adoption made in the child’s country of origin will be a full adoption if the order which is made creates, between the child and the adoptive parents, the relationships of parent and child, and severs the relationship between the child and the biological parents.

#### *Guardianship order*

A simple adoption order made in the child’s country of origin which creates a custodial relationship between the adoptive parents and the child, but does not create the relationship of parent and child. In these cases the parent/child link between the biological parent and the child is not severed. The child enters Australia under a guardianship order, and the full adoption order must be made in Australia.

## **Arranging body**

An arranging body is defined as an agency authorised under adoption legislation to make the decision about the placement of an adoptive child. Adoptions can be arranged by state and territory departments responsible for adoption, or by an authorised non-government agency. There are two categories of arranging bodies:

### *Government*

This may be a state or territory community services department (see Acknowledgments), or another government authority.

### *Non-government agency*

A non-government agency is an agency, approved to undertake adoption arrangements in Australia, that is not owned or controlled by the Australian Government or by a state or territory government. Such agencies may include church organisations, registered charities, non-profit organisations, companies, and cooperative societies and associations.

## **Country of origin**

Refers to the country of habitual residence of the child being adopted. This will generally be the country of birth of a child.

## **Dispensation**

A legal process by which a court may declare that the consent of a parent is not required for an adoption order to be granted. Grounds for dispensation applications are set under individual state and territory legislation.

## **Guardianship/custody order**

An order sought through the court that has the impact of transferring guardianship or custody of the child to an authorised department or an individual.

## **Hague Convention (intercountry adoption)**

The Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption establishes uniform standards and procedures for adoptions between countries. The Convention includes legally binding safeguards and a system of supervision, and establishes channels of communication between countries. The Convention came into effect in Australia on 1 December 1998.

An intercountry adoption is classified as a 'Hague adoption' if the child's country of origin had ratified or acceded to the Convention before the child's file was sent overseas, or a 'non-Hague adoption' if the country had not ratified or acceded to the Convention before the applicant/s file was sent overseas.

## **Indigenous person**

A person of Aboriginal or Torres Strait Islander descent who identifies as an Aboriginal or Torres Strait Islander, and is accepted as such by the community with which he or she lives. If a person's Indigenous status is unknown, that person should be included in the category 'Other Australian'.

## **Marital status of adoptive parent(s)**

Marital status of the adoptive parent(s) is counted at the time of the adoption order using the following categories:

### *Registered married*

This includes situations where there are two adoptive parents who are legally married to each other and living together.

### *De facto married*

This includes situations where there are two adoptive parents who are not legally married, but who are living together in a de facto relationship.

### *Single*

This includes situations where there is one adoptive parent who is not legally married or living in a de facto relationship, and may include widowed parents.

## **Marital status of birth mother**

### *Married*

The birth mother is classified as married if she was legally married to the child's birth father at the time of the birth. In situations where the adopted child's birth father was legally married to the child's birth mother but died before the birth, the birth mother is classified as 'married'.

### *Unmarried*

The birth mother is classified as unmarried if she was not legally married to the birth father at the time of birth. This includes situations where the birth mother was living in a de facto relationship with the birth father, or someone else.

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