



**Australian Government**

**Australian Institute of  
Health and Welfare**

# **Adoptions Australia 2012–13**

CHILD WELFARE SERIES NO. 57



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**Australian Institute of  
Health and Welfare**

*Authoritative information and statistics  
to promote better health and wellbeing*

CHILD WELFARE SERIES

Number 57

# **Adoptions Australia**

**2012–13**

Australian Institute of Health and Welfare  
Canberra

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**The Australian Institute of Health and Welfare is a major national agency which provides reliable, regular and relevant information and statistics on Australia's health and welfare. The Institute's mission is authoritative information and statistics to promote better health and wellbeing.**

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**Please note that there is the potential for minor revisions of data in this report. Please check the online version at <[www.aihw.gov.au](http://www.aihw.gov.au)> for any amendments.**

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- Department of Human Services, Victoria
- Department of Communities, Child Safety and Disability Services, Queensland
- Department for Child Protection and Family Support, Western Australia
- Department for Education and Child Development, South Australia
- Department of Health and Human Services, Tasmania
- Community Services Directorate, Australian Capital Territory
- Department of Children and Families, Northern Territory.

The Australian Institute of Health and Welfare is a statistical agency; enquiries from people wishing to adopt or find out more about the adoption process in Australia should be directed to the above departments in their relevant state or territory.

# Abbreviations

ABS	Australian Bureau of Statistics
AGD	Australian Government Attorney-General's Department
AIHW	Australian Institute of Health and Welfare
DCCSDS	Queensland Department of Communities, Child Safety and Disability Services
DECD	South Australian Department for Education and Child Development
DHHS	Tasmanian Department of Health and Human Services
DHS	Victorian Department of Human Services
DIBP	Australian Government Department of Immigration and Border Protection
NCCC	Nationally Consistent Core Curriculum
OCYFS	Australian Capital Territory Office for Children, Youth and Family Support

# Symbols

–	nil or rounded to zero
..	not applicable

# Summary

## **Australian adoptions increased while intercountry adoptions declined**

The number of finalised adoptions in Australia increased slightly to 339 in 2012–13, up from the previous year’s all-time low of 333. Compared with 2011–12, the number of children adopted from Australia in 2012–13 increased by 26 (14%), while the number adopted from overseas decreased by 20 (13%). In 2012–13, more Australian children (210, or 62% of all adoptions) were adopted than children from overseas (129, excluding expatriate adoptions). This proportion increased from 55% in 2011–12 to be the highest on record since 1996–97 (also 62%).

Despite the small increase in the number of adoptions in 2012–13, there has been a substantial long-term decline, down 32% since 2003–04, and down 77% since 1988–89 (when there were 1,501 adoptions). This can, in part, be attributed to legislative changes, such as the increased use of alternative legal orders in Australia, as well as to broader social trends and changing social attitudes which have made it easier for children to remain with their birth family or within their country of origin.

## **Proportion of infants adopted from overseas continued to decline**

Although the majority of children adopted from overseas were aged under 5 (78%), the proportion of infants aged under 12 months continued to decline—from a peak of 47% of all intercountry adoptions finalised in 2005–06 to 19% in 2012–13.

## **Taiwan became the main country of origin for overseas adoptions**

The number of finalised intercountry adoptions has declined from most countries of origin in recent years. However, the number from Taiwan has increased substantially—from 3 adoptions in 2003–04 to 37 in 2012–13. This meant that Taiwan became the main country of origin for overseas adoptions for the first time in 2012–13 (overtaking the Philippines and China, which have shared this position over the last decade), comprising 29% of all intercountry adoptions.

## **Intercountry processing times continued to rise**

The median length of time for the overall adoptions process continued to increase (from 37 months in 2007–08 to 61 months in 2012–13). This was due to an increase in processing times in countries of origin. Specifically, the time taken from when an applicant’s file was sent overseas to when a child was allocated to the applicant increased from 19 months in 2007–08 to 37 months in 2012–13.

## **Children in local adoptions tended to be younger**

In 2012–13, children who were the subject of a finalised local adoption tended to be younger than those adopted from other countries—all were aged under 5 and almost half (48%) were aged under 12 months.

## **Adoptions of Australian children by ‘known’ carers continued to increase**

The 81 adoptions in 2012–13 by ‘known’ carers, such as foster parents (52% of all known adoptions), represented a 10-year high for this type of adoption—more than triple the 25 such adoptions in 2003–04.





# 1 Introduction

Adoption is one of a range of options used to provide permanent care for children who are unable to live with their birth families. It is a legal process where rights and responsibilities are transferred from birth parents to adoptive 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 become the same as they would be if the child had been born to the adoptive parents. The legal rights that exist from birth regarding the birth parent(s) (inheritance and name, for instance) are removed. A new birth certificate may be issued for the child bearing the name(s) of the adoptive parent(s) as the legal parent(s), and the new name of the child, if a change has occurred.

Access by the birth parent(s) or other relatives to the adopted child (referred to in this report as an 'open' adoption) is facilitated in all states and territories. The degree to which this occurs varies across the jurisdictions (Appendix B.2).

The data in this report were collected from each of the eight state and territory departments responsible for adoption, and collated and analysed by 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 technical specifications agreed to by the departments and the AIHW. Definitions of terms used in the data collection are in the Glossary. The Australian Government Department of Immigration and Border Protection (DIBP) (formerly the Department of Immigration and Citizenship) also provided data on the number of adoption visas issued during 2012–13.

Due to the nature of this data collection, some analyses contain small counts. These data have been cleared for release by the state and territory departments responsible for adoption and in a number of instances reflect data that are publicly available elsewhere at the same level of disaggregation. Further information on the data contained in this collection can be found in the data quality statement at Appendix D.

## 1.1 Report structure

This report has five chapters. The content of the four chapters that follow is as follows:

- Chapter 2 provides an overview of the adoption process in Australia and additional background information, such as information on special needs adoptions and motivations for adoption.
- Chapter 3 presents detailed data on categories of adoption in 2012–13, 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 during the same period are also presented.
- Chapter 4 discusses key patterns and trends in Australian adoptions.
- Chapter 5 explores similarities and differences in adoption trends between Australia and selected overseas countries.
- More detailed statistical tables are at Appendix A, each state and territory's adoptions legislation is summarised at Appendix B, the countries party to the Hague Convention are listed at Appendix C, and a data quality statement is provided at Appendix D.

## 2 Adoptions in Australia

### 2.1 Categories of adoption

The categories used in this report are:

- **Intercountry adoptions** – adoptions of children from countries other than Australia who are legally able to be placed for adoption (Section 2.2), but who generally have had no previous contact or relationship with the adoptive parent(s). Expatriate adoptions are not included in the numbers for intercountry adoptions.
- **Local adoptions** – adoptions of children who were born or permanently residing in Australia before the adoption, who are legally able to be placed for adoption, but who generally have had no previous contact or relationship with the adoptive parent(s).
- **'Known' child adoptions** – adoptions of children who were born or permanently residing in Australia before the adoption, 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). Known child adoptions include adoptions by step-parents, other relatives and carers. Intercountry known child adoptions are not considered in this publication.

### 2.2 Adoption legislation and processes

A child is legally able to be adopted if all the necessary consents to the child's adoption have been obtained or dispensed with (dispensation refers to the legal process where a court declares that the consent of a parent is not required for an adoption order to be granted). People wishing to adopt a child must satisfy the government department or agency concerned that they will be suitable parents. Factors that may be considered in assessing the suitability of potential parents include 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. Variations also exist in the eligibility requirements set by countries of origin for intercountry adoptions (AGD 2013a).

#### Intercountry adoptions

##### Legislation and responsibilities

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:
  - *Immigration (Guardianship of Children) Act 1946*
  - *Migration Act 1958*
  - *Family Law Act 1975*
  - *Migration Regulations 1994*
  - *Family Law (Hague Convention on Intercountry Adoption) Regulations 1998*
  - *Family Law (Bilateral Arrangements – Intercountry Adoption) Regulations 1998*
  - *Australian Citizenship Act 2007*

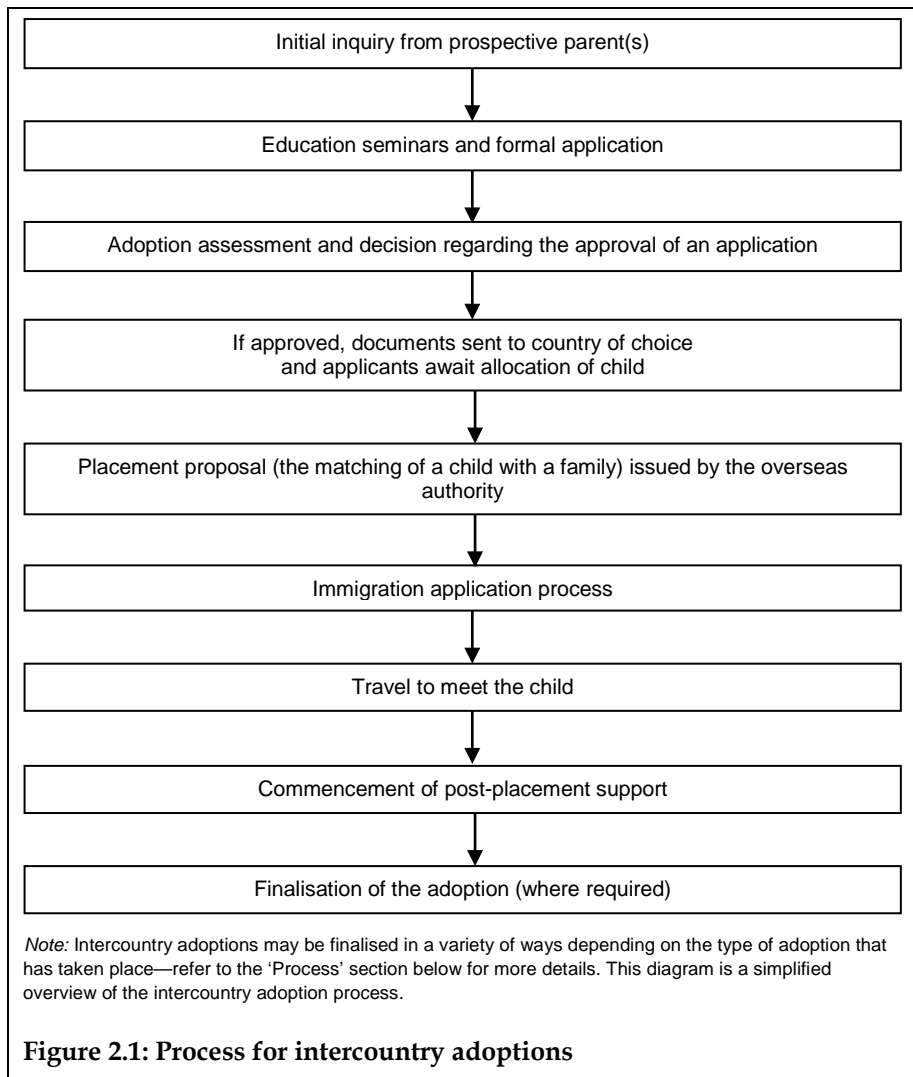
- in accordance with the principles of the *Hague Convention on Protection of Children and Co-operation in respect of Intercountry Adoption* (Hague Convention) and the *United Nations Convention on the Rights of the Child*.

The Hague Convention has been in force in Australia since December 1998. It 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.

The Hague Convention establishes principles for countries to follow that focus on the need for intercountry adoptions to occur in the best interests of the child and with respect for his or her fundamental rights; and to prevent the abduction, sale of, or traffic in children (AGD 2013b). A list of countries currently party to the Convention is provided at Appendix C.

The Australian Government Attorney-General's Department (AGD) – the Australian Central Authority for the Hague Convention in Australia – 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 also established a Central Authority under the Convention.

The AGD has primary responsibility for establishing and managing Australia's intercountry adoption arrangements. It works closely with state and territory governments to ensure that programs are effectively and efficiently maintained, and that opportunities for new programs are identified and explored to determine if they meet the standards for the Hague Convention. The state and territory governments are responsible for processing adoption applications, and for assessing and approving prospective adoptive parents. Although each state and territory has its own legislation relating to intercountry adoption, the general process is similar across the jurisdictions (Figure 2.1). The AGD and the states and territories work cooperatively to ensure that all of Australia's adoption programs meet the standards of the Hague Convention regardless of whether partner countries are signatories to the Convention.



## Australia's intercountry adoption programs

As at late 2013, Australia has intercountry adoption programs with 13 countries: Bolivia, Chile, China, Colombia, Fiji, Hong Kong, India, Lithuania, the Philippines, South Korea, Sri Lanka, Taiwan and Thailand. Programs with Bolivia, Fiji and India are currently on hold due to a decision either by the Attorney-General or the relevant overseas authority. Fiji's hold remains in place while it amends its domestic adoption laws to meet Hague Convention standards. For much of 2011-12, an Ethiopian program was also in operation; however, this was closed on 28 June 2012, which will affect the number of finalised adoptions from this country in coming years (see Section 4.1 for more details). Not all of these countries are signatories to the Hague Convention. Bilateral arrangements exist with some countries that are not party to the Convention; however, programs are established with countries only where Australia can be satisfied that the principles of the Convention are being met, regardless of whether the country is a signatory. Australia is investigating programs with several other countries (AGD 2013a).

Requests to adopt children from countries with which Australia does not have an existing intercountry adoption program are referred to as 'ad hoc requests'. Ad hoc requests are considered on a case by case basis by the relevant state or territory Central Authority. As a general principle, individual ad hoc requests for intercountry adoption are not consistent

with Australia's management of intercountry adoption and requests are likely to be considered only where there are exceptional circumstances. For example, an application may be considered where prospective adoptive parents have a genuine and profound understanding of, and connection with, the culture and circumstances of an overseas country that satisfies Hague Convention standards and requirements. The relevant state or territory must have accepted an ad hoc request before prospective adoptive parents are entitled to make a formal application for adoption and be assessed to determine their suitability to adopt. If the request is accepted, applicants will be subject to the normal intercountry adoption process (and waiting times) applicable in their relevant state or territory.

Private adoption arrangements are not supported by state and territory Central Authorities. Adoptions to Australia must either be approved by a state or territory Central Authority or meet Australian immigration requirements for expatriate adoption (AGD 2013c). Refer to the 'Expatriate adoptions' section in Chapter 3 for more information.

## **Process**

In addition to the requirements set by Australian adoption authorities, countries of origin also have eligibility requirements for adoptive parents. These vary between countries and include, but are not limited to, the age of parents, marital status, current family structure and the family's origin. Fees associated with intercountry adoption vary depending on the country of origin of the child, are subject to change and are affected by a range of factors. Details on eligibility, fees and on programs that are accepting applications are on the AGD website (AGD 2013a).

Waiting periods between when a partner country receives an application and the allocation of a child are influenced by a number of factors, including the number and characteristics of children in need of intercountry adoption, the number of applications received and the resources of the overseas authority – factors that are outside the control of Australian authorities. The lengths of waiting times for intercountry adoptions vary from country to country and are generally increasing. For a number of countries, families can often wait 3 to 5 years from the time their application is received by the overseas country to when they receive an allocation of a child (Refer to 'Country of origin' in Section 3.2 and 'Adoption of overseas children' in Section 4.1 for more information).

An intercountry adoption may be finalised in a variety of ways. A full adoption order can be made in the child's country of origin. This order is automatically recognised in Australia if the country is a party to the Hague Convention and has issued an adoption compliance certificate. Alternatively, some children enter Australia under the care of a prospective adoptive parent intending to adopt once the period of post-placement supervision has passed. In this case, the federal Minister for Immigration and Border Protection acquires guardianship of the child when the child arrives in Australia. This guardianship may be delegated to the relevant state or territory minister or departmental officers. The minister's delegated guardianship remains valid until the child turns 18; leaves Australia permanently; becomes an Australian citizen; or, as happens in most cases, when an order is made under Section 11 of the Commonwealth Immigration (Guardianship of Children) Act, which usually occurs after the adoption is finalised.

# Local adoptions

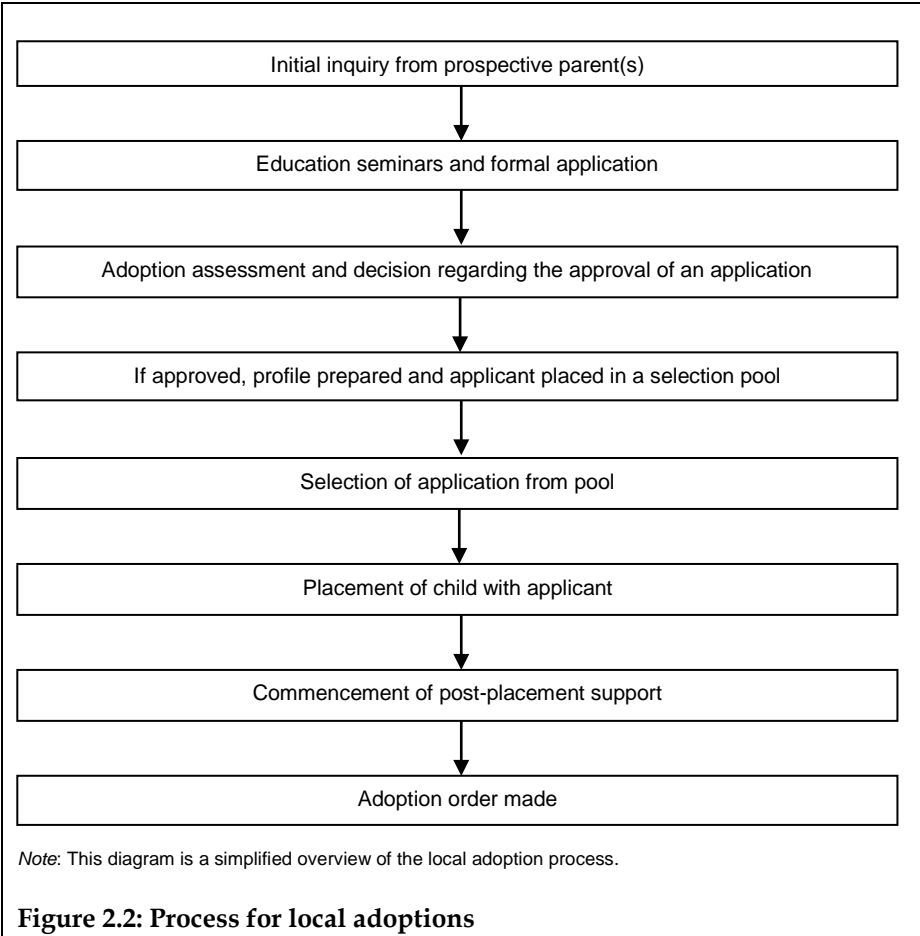
## Legislation and responsibilities

Each state and territory has its own legislation that governs local adoption practices – an outline of the legislation for each jurisdiction is at Appendix B. The relevant state or territory authority for adoption works to ensure that local adoption practices adhere to the regulations set by their jurisdiction.

For local adoptions, the guardianship of a child for whom general consents for adoption have been signed will, in most cases, reside with the state or territory department responsible for the adoption. For some approved non-government adoption agencies, the guardianship resides with the agency’s principal officer. The guardianship of a child remains in force until the adoption order is made, or consents for adoption are revoked, or until some other specified event occurs (such as when a suitable and willing relative is able to care for the child).

## Process

Figure 2.2 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

### Legislation and responsibilities

Known child adoptions are administered and/or recorded 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 newly formed family, or by long-term carers, such as foster parents. The aim of this type of adoption is to provide the child with a clear legal position, status and stability within the new family arrangement. In some circumstances, the adoption may be finalised after the adoptee is legally considered an adult. There are some variations between jurisdictions regarding the role of the department in administering adult adoptions – these are outlined in Appendix B.1. Therefore, not all such adoptions are captured in this report.

Adoption by relatives other than step-parents is less common. This is 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) in instances where a child is to be permanently cared for by another relative. Adoptions by relatives are generally discouraged owing to the confusion for, and distortion to, biological relationships that may occur. For example, if a child were adopted by their grandmother, the birth parent would legally become the child's sibling.

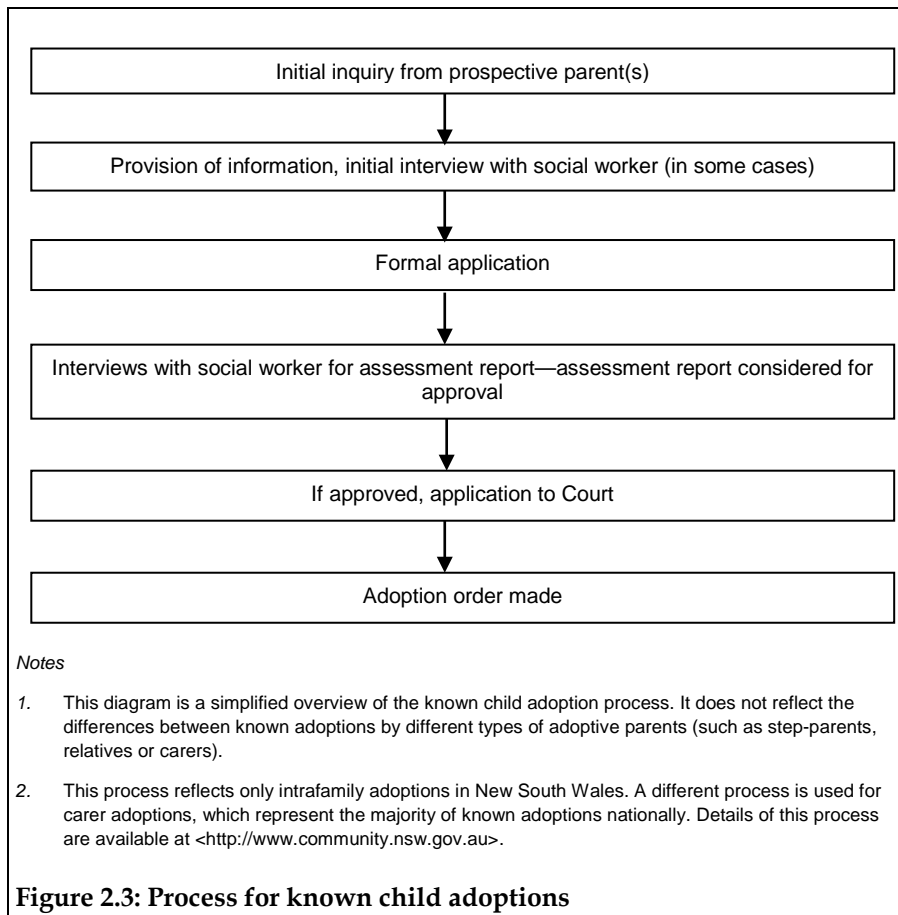
In most states and territories, legislative provisions allow for adoptions by carers, or relatives other than step-parents, only in exceptional circumstances—that is, when a parental responsibility order would not adequately provide for the welfare of the child. However, in a recent discussion paper on legislative reform in child protection (NSW Department of Community Services 2012), the New South Wales Government proposed a number of changes to make the adoption process of children and young people in out-of-home care quicker and easier, by streamlining processes and 'reducing red tape' for authorised carers. Further, amendments to the *Adoption Act 1994* (WA) (effective late 2012) now allow adoption by relatives or carers in certain situations, provided that there are good reasons to redefine relationships within the child's family and the Court has determined that adoption is preferable to other orders. This occurs when the relative or carer has had care of the child for at least 2 years, and the relative or carer meets other eligibility requirements (Appendix B.1).

Adoptions by people who are not carers or relatives are uncommon in Australia. These adoptions are captured in this report under the 'other' category in known child adoptions.

### Process

Each state and territory has its own process for the adoption of known children by prospective parent(s). Figure 2.3 provides a broad outline of this process, although the precise order of the steps may vary slightly between jurisdictions and some of the additional complexities associated with adoptions by known carers are not depicted.





## 2.3 Special needs children

‘Special needs’ for the purposes of adoption is not legally defined in Australia. However, in addition to mental or physical disabilities, behavioural problems and/or emotional disorders, the term ‘special needs’ is also frequently applied (in the context of adoption) to a broad range of conditions that are deemed to pose potential barriers to the permanent placement of a child and/or affect the outcome of an adoption (HCCH 2005; Tan et al. 2007).

Older children and children who are part of a sibling group that is to be placed with the same adoptive family may be considered to comprise a special needs adoption due to the added difficulty in finding a suitable family (Tan et al. 2007). For example, for local adoptions, Australian Central Authorities may consider children aged over 4 as having special needs as they are likely to have been placed with multiple carers and have had fewer opportunities to develop close relationships with any one person. Further, many of these children have had a history of deprivation, abandonment and trauma, which can leave them with developmental delays and emotional vulnerabilities, requiring long-term therapeutic and intensive parenting to promote secure attachments (HCCH 2005; Roberson 2006; Spark et al. 2008).

Countries of origin classify cases of special needs differently. The definition may include children of older age, those in sibling groups, those with mental or physical disabilities, or those with medical conditions. The types of medical conditions are diverse, ranging from minor and correctable conditions to those that are complex and require ongoing treatment or management (AGD 2013a). For intercountry adoptions, Australian Central Authorities will

often rely on the country of origin's definition of 'special needs' and advise prospective adoptive parents accordingly. Additional information on the adoption of children with special needs and the definitions used by countries of origin is on the AGD website (AGD 2013a). Due to the additional barriers to adjustment faced by intercountry adoptees – such as language, cultural and other ethnic differences – and complications arising from time in institutional care, there are strong grounds for considering all intercountry adoptions as special needs adoptions (Spark et al. 2008).

While there are some healthy younger children and infants in need of families, in the context of intercountry adoptions, Australia's partner countries generally have more applications from prospective adoptive parents willing to parent these children than children available for adoption. In contrast, there are often few prospective adoptive parents who are willing and suitable to care for children with more complex backgrounds. Many countries of origin have tightened eligibility criteria, imposed or reduced intercountry adoption quotas, or placed temporary freezes on intercountry adoption as a whole or on the adoption of healthy infants or younger children (AGD 2013a).

Due to the difficulty in finding suitable carers in countries of origin and the emerging program restrictions, older children and those with special needs represent a growing proportion of the children for whom intercountry adoption is deemed to be appropriate. In China, the proportion of children who were adopted globally aged 5 and over increased from 1.4% in 2005 to 10.9% in 2009 (Selman 2012). Some countries (for example, China, India and the Philippines) have separate programs specifically for special needs adoptions and may accept more applications for children in these programs than in their general programs. Additionally, some countries have adapted their eligibility criteria to meet this challenge. For example, in 2011, China began re-accepting female heterosexual single applicants, although with the restriction that they can apply to adopt only children with special needs. Similarly, in a number of countries, the maximum age for applicants applying to adopt older children or those with special needs is higher than that for those applying to adopt 'healthy children' (for example, China, Colombia, Hong Kong, Lithuania and India) (AGD 2013a).

Information on the number of children with special needs who have been adopted in Australia is difficult to determine due to the inconsistent definition of the term and the limited data available in reports from countries of origin. Available data show that 7 of the 112 children adopted by Australians from mainland China between 2008 and 2009 were considered to have special needs as defined by the China Online Special Needs Program, and that all 112 adopted children had been in institutional care before adoption (HCCH 2011). In the Hong Kong Special Administrative Region of China, and in Lithuania, all of the children adopted between 2008 and 2009 were listed as special needs placements (HCCH 2011). Annual data on adoptions of children by age group, and children adopted as part of a sibling group for local and intercountry adoptions, are available in this report (tables A3, A12 and A13).

Adopting a young person or child with special needs can be difficult and may bring additional challenges beyond that of adoption itself. Previous studies have identified issues for adoptive mothers related to the stress of raising special needs children, such as feelings of intense anger, panic attacks, depression and strain on marital relationships (Forbes & Dziegielewska 2003). As such, there is a need for appropriate preparation and comprehensive assessment of prospective adoptive parents who are considering adopting a child with special needs.

To ensure a successful adoption where a child has special needs, adoptive families need to demonstrate particular skills and qualities (Rycus et al. 2006). They also need to be adequately prepared for the adoption, as this is perceived to enhance coping, which aids the ability of the family to adapt and effectively address any issues as they arise (Egbert & LaMont 2004). Jurisdictions in Australia hold education workshops (which are often mandatory) for prospective adoptive parents considering adopting an overseas-born child with special needs. These workshops aim to provide prospective parents with information on the range of special needs, the core issues involved in special needs adoption for all parties, the assessment process, and opportunities available to adopt a child with special needs (for example, see New South Wales Office of the Children's Guardian 2009). There are also an increasing range of post-adoption support services available to families (AGD 2013d).

## 2.4 Motivations for adoption

Research from Australia and the United States suggests that a wide range of motivations for adoptions exist. There appears to be a complex interplay between many diverse motives, which also vary between different types of adoptions and parents seeking to adopt; however, many parents consider more than one type of adoption (such as local and intercountry) (Malm & Welti 2010; Welsh et al. 2008; Zhang & Lee 2011). Research suggests that prior exposure to adoption has a positive impact on a person's willingness to adopt (Malm & Welti 2010). Common reasons for wanting to adopt include the desire to be a parent, humanitarian or altruistic motives, infertility, or 'just wanted to adopt' (Malm & Welti 2010; Welsh et al. 2008). Humanitarian reasons were found to be more common for prospective adoptive parents who already had children, compared with those who did not (Welsh et al. 2008). Additionally, a recent study suggested that although altruistic motivations were a contributing factor, the primary motivator for recent and prospective Australian intercountry adoptive parents was the desire for parenthood and their individual need to adopt a child for themselves. For those who were part of a couple, infertility was a main reason for using adoption to satisfy these needs (Young 2012).

Research has also investigated why current and prospective adoptive parents choose a particular type of adoption over alternative options (including fostering). Many parents viewed intercountry adoption as the most attractive option for various reasons. For example, some believed there would be complications resulting from birth parent involvement in local adoptions and fostering (Malm & Welti 2010; Welsh et al. 2008; Young 2012; Zhang & Lee 2011). Additionally, complex backgrounds tended to be viewed as social problems for foster children, but were perceived as interesting challenges for children involved in intercountry adoptions (Young 2012; Zhang & Lee 2011). Young (2012) found that many prospective Australian parents believed intercountry adoption had a more predictable outcome than local adoption; created permanent, life-long bonds (compared with impermanent bonds for fostering); and had more children available than through local adoption.

Many prospective parents had a strong desire for a younger baby, partly because they thought there would be more health and behavioural issues with older children (Malm & Welti 2010; Zhang & Lee 2011), and tended to believe placement of a younger child was more likely to occur through intercountry adoption than fostering. Research in the United States also found that parents perceived that there were longer waiting periods (Zhang & Lee 2011) and more complex processes (Malm & Welti 2010) for local adoptions than for intercountry adoptions. These perceptions are interesting considering the reality of

the situation – increasing waiting times and increasing numbers of children with special needs and of older ages for intercountry adoptions (Section 2.3). The number of young and healthy children for whom adoption is considered appropriate, and the stability of the birth country’s administrative processes, were cited as parents’ primary considerations when selecting a birth country (Welsh et al. 2008). Parents who chose fostering over adoption often cited the lower cost or faster outcome as main reasons (Malm & Welti 2010); those who chose local adoption over intercountry adoption often did so as they wanted a healthy infant and believed this was more likely with a local adoption (Malm & Welti 2010).

## **2.5 Post-adoption adjustment and support**

### **Adjustment after adoption**

A child’s adjustment to adoption can be affected by a number of factors, including characteristics of the child, experiences before the adoption and characteristics of the adoptive family. Although most adoptees adjust well to their new environment, some do not (Greene et al. 2007; Haaguard 1998; Juffer & van IJzendoorn 2005; Palacios & Brodzinsky 2010). Some children – such as those who are older, have special needs, or have experienced deprivation or trauma before adoption – are thought to be particularly vulnerable to experiencing adjustment problems (Spark et al. 2008). For many intercountry adoptees, there are additional factors that may cause difficulties and affect the child’s ability to adjust post adoption. For example, most intercountry adoptees will experience language and cultural differences and be older than local adoptees when they are placed with their new families (Spark et al. 2008).

Adopted children, especially those adopted from overseas, are likely to have been in institutional care for a portion of their lives. The quality of institutional care and the length of time spent in this environment can affect a child’s adjustment after adoption and the likelihood that they will experience developmental delays (Spark et al. 2008; van IJzendoorn & Juffer 2006). Children who are adopted from overseas have often received only a basic level of care during their stay in an institution (HRSCFHS 2005; Roberson 2006; Spark et al. 2008). There is also the possibility of exposure to toxins, and the existence nutritional deficiencies. As a result, these children are at increased risk of health problems such as infectious diseases, growth and developmental delays, and emotional disorders (Finn 2006; Meese 2005).

As a child’s age at adoption is often directly related to the length of time spent in institutional or foster care, older children are more likely to experience developmental delays than younger children (Palacios & Brodzinsky 2010; Spark et al. 2008). Children adopted after 12 months of age, particularly intercountry adoptees, have been found to experience developmental delays in some areas, but not in others. Regardless of age at adoption, adopted children are likely to quickly catch up to their non-adopted peers in areas of weight, height, intelligence and self-esteem (van IJzendoorn & Juffer 2006). However, school achievement and the formation of a secure attachment with the adopting family are likely to be poorer in adopted children, and the difference is more pronounced in children adopted after 12 months of age. The prevalence of behavioural problems is also likely to be moderately higher for children adopted after 12 months of age (van IJzendoorn & Juffer 2006).

In both local and intercountry adoptions, the adopted child's ability to adjust can be affected by the quality of relationships in the adoptive family. As with all families, personal, marital or family instability have been found to correlate with disturbance among adopted children. Unrealistic or rigid parental expectations, especially regarding the adopted child's meeting of academic standards or societal norms, can interfere with adjustment (Passmore et al. 2009). Unreasonable expectations about how quickly a sense of connectedness will form between the child and the adoptive parents can also hinder adjustment (Levy & Orlans 2003).

Adoptive parents may experience a range of emotions in the post-adoptive period. For example, parents may suffer from increased stress or emotional problems if their adopted child displays difficult or challenging behaviours or has unexpected medical problems (Levy & Orlans 2003; Miller 2005). However, parents who are fully informed about their child's developmental or physical disabilities or chronic medical conditions (where relevant) are able to more realistically anticipate problems and have been found to have more positive adjustment outcomes (Bornstein 2002). Further, the openness of adoptive parents to discussing adoption-related issues with an adopted child in an age-appropriate manner can be beneficial for the child's adjustment (Brodzinsky 2006; Passmore et al. 2009).

## Placement disruptions

Although most local and intercountry adoptions are successful, a minority end in disruption or dissolution. The term 'disruption' describes an adoption process that ends after the child is placed in an adoptive home but before the adoption is legally finalised, resulting in the child's return to (or entry into) state care or placement with new adoptive parents. The term 'dissolution' describes an adoption that ends after it is legally finalised, resulting in the child's return to (or entry into) state care or placement with new adoptive parents. It is difficult to assess the frequency of adoption dissolution because after the adoption is legally finalised adoptees are no longer a readily identifiable group within the general population. Available information on disruptions indicates that they are more common in adoptions involving special needs children (Spark et al. 2008). Research suggests the children most at risk of unsuccessful outcomes include those adopted at an older age; those with a history of physical abuse, deprivation and neglect; those with a history of sexual abuse; and those with emotional and behavioural problems (DECD 2010; Roberson 2006). In both local and intercountry adoptions, attachment issues are considered a key contributor to the disruption of an adoption. If a sense of attachment and/or an improvement in the child's behaviour is not detected by parents within 12 to 15 months, there is an increased risk of the adoption process ending (Clark et al. 2006).

Factors related to the adoptive parents – such as lack of prior foster care or adoption experience, limited or absent preparation, and access to only minimal information regarding the child's history – are also risk factors for adoption disruption (ChildONEurope 2007). Unfortunately, information on the child's background is not always available. For example many children placed for adoption in China have been abandoned with very little or no information about their social, health or genetic background (AGD 2013e). A United States study (Welsh et al. 2008) found that prospective parents adopting from Korea received more information about the child's birth family, prenatal circumstances and perinatal events than those adopting from China, parts of Eastern Europe, Latin America (primarily Guatemala), the Philippines, India and Mongolia.

It is difficult to determine a common rate of adoption disruption or dissolution, due to wide differences in the definitions used in various studies, and because the rate may vary between

different populations (Coakley & Berrick 2008). However estimates of disruption rates worldwide range from 10–40%, with an average of around 15% (ChildONEurope 2007).

There is a paucity of current information on the rate of adoption disruption in Australia. Research into intercountry adoption disruptions in one of Australia's jurisdictions estimated that there were 12 disruptions (4 boys and 8 girls) between 1973 and 2003 within the jurisdiction – an overall disruption rate of about 2%, or 1 in 50 adoptions (Rosenwald 2003). Some information can also be found in this report. Information on changes to living arrangements for intercountry adoptees 12 months after they were placed with their adoptive families is in the 'Adoption of overseas children' section of Chapter 4. While this measure is not a true indication of disruption (as it captures changes that occur for intercountry adoptees only within the 12 months after placement), it provides a reasonable indication of the initial stability of these arrangements.

Where placement difficulties are experienced, the agency with primary responsibility for adoptions within a jurisdiction may refer the family to appropriate support services. These post-adoption services are considered essential to avoid the disruption of an adoption (Barth & Miller 2000).

## **Post-adoption support**

Evidence suggests that access to adequate services and support for both the adopted child and the adoptive family, especially for intercountry and special needs adoptions, is essential for positive outcomes. Pre-adoption preparation and ongoing support programs have been identified as important factors that contribute to successful outcomes. Emotional support provided to adoptive parents by family and friends is also important for the success of an adoption (Spark et al. 2008).

Previous studies have highlighted a number of post-adoption support services reported to be needed by adoptive parents. These are particularly important for adoptive families of children with special needs. Services highlighted in the literature include support or counselling services, respite care services, financial support, advocacy services, support for siblings, special education services, emergency assistance, and crisis intervention services (Reilly & Platz 2008).

In 2009, the Intercountry Adoption Harmonisation Working Group announced the completion of the Nationally Consistent Core Curriculum (NCCC). The NCCC is a framework consisting of nine compulsory education and training units that help prospective adoptive parents understand and develop realistic expectations about the adoption process (AGD 2013f).

Initiatives such as the NCCC help make pre-adoption services widely available across Australia. Post-adoption support services provided by both government and non-government agencies are also becoming increasingly available in all states and territories. Under the Commonwealth-State Agreement for the Continued Operation of Australia's Intercountry Adoption Program, there is agreement to undertake ongoing work to improve the availability and accessibility of these services (Banks 2009).

The importance of post-adoption support services has also been acknowledged in other countries. A recent report from the Parliament of the United Kingdom Select Committee on Adoption Legislation (2013) recommended the introduction of a statutory duty on local authorities and service providers to cooperate to ensure the provision of post-adoption support.

## 3 Detailed analysis of adoptions in Australia in 2012–13

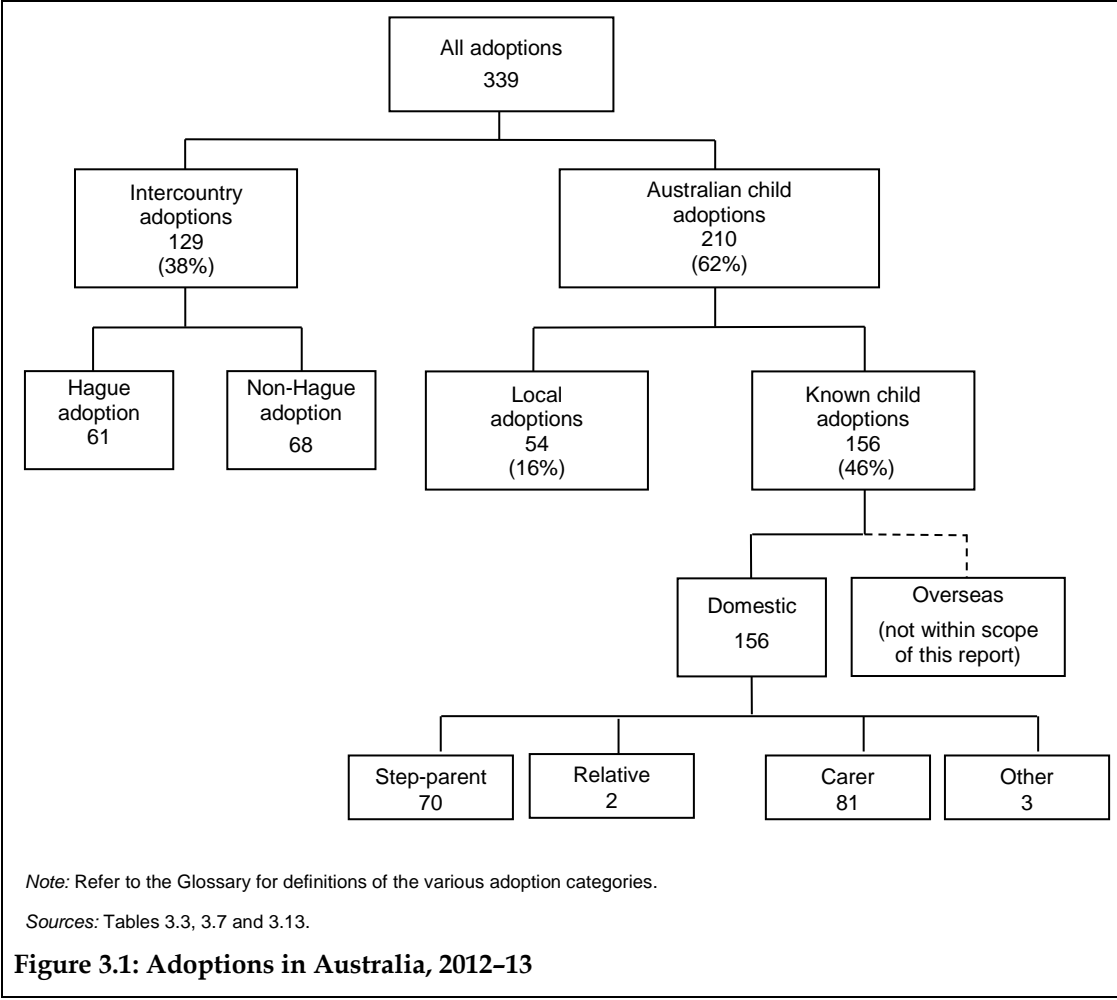
This chapter provides an in-depth analysis of intercountry, local and known adoptions in Australia in 2012–13. Given the small numbers involved, there can be volatility in the data observed from year to year. Because of this, changes identified over short periods (such as a single year) reported in this chapter need to be interpreted with caution. Chapter 4 focuses on trends over longer periods of time, which can provide a more reliable picture of change in small populations. More information about the implications of the small size of the adoptions population can be found at Appendix D.

### 3.1 Adoptions in 2012–13

In 2012–13, there were 339 finalised adoptions of children in Australia – a slight increase of 6 adoptions, or 2%, from the previous year. This was the first time since 2008–09 that the number of annual adoptions had increased. Despite this small increase, the number of adoptions still shows a substantial long-term decline, down 32% since 2003–04, and 77% since 1988–89.

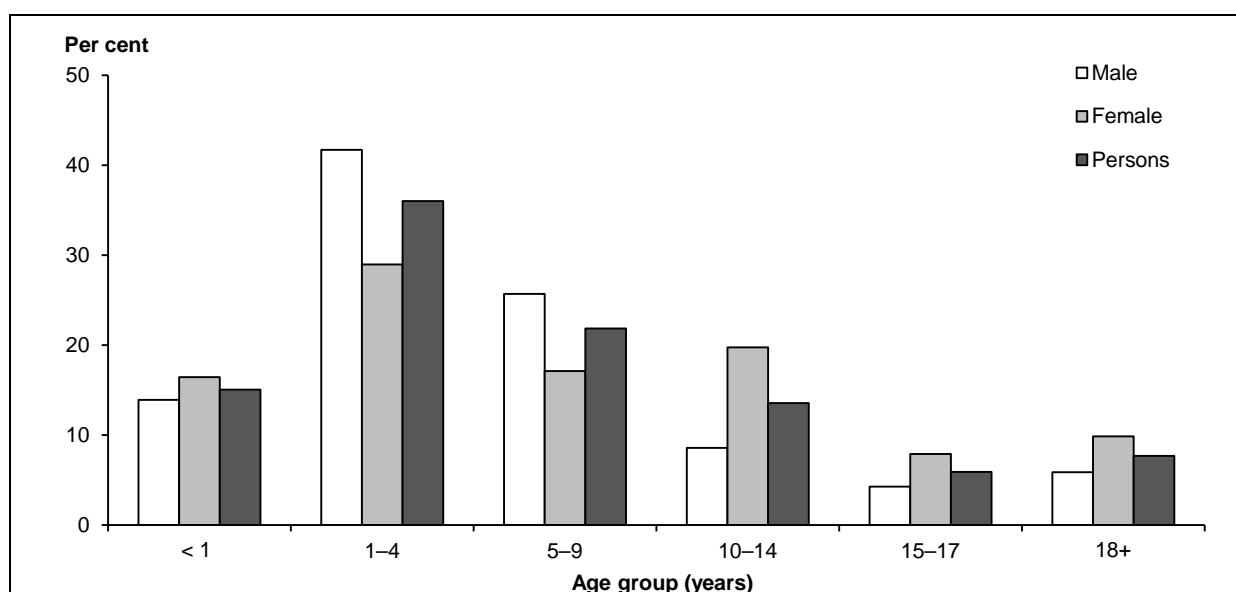
The long-term fall in numbers can, in part, be attributed to legislative changes, such as the increased use of alternative legal orders in Australia, as well as broader social trends and changing social attitudes that have made it easier for both Australian born children and children born overseas to remain with their birth family or, in the case of children born overseas, within their country of origin (see Section 4.1 for more details). Of the 339 adoptions in 2012–13, 129 (38%) were intercountry adoptions, 54 (16%) were local adoptions and 156 (46%) were known child adoptions (Figure 3.1).

Although there was little change nationally, there was wide variation between the states and territories. The number of adoptions decreased in Victoria (from 72 to 44), South Australia (from 24 to 20) and the Australian Capital Territory (from 11 to 6). In contrast, the number of adoptions increased in New South Wales (from 150 to 154), Queensland (from 33 to 46), Western Australia (from 26 to 42), Tasmania (from 6 to 13) and the Northern Territory (from 11 to 14) (Table A1).



In 2012-13, just over half (173 or 51%) of all children who were the subject of a finalised adoption were aged under 5. Less than 15% were infants aged under 12 months. More males were the subject of a finalised adoption than females (187 and 152, respectively). Although a similar proportion of male and female adoptees were infants (14% and 16%, respectively), a higher proportion of males were aged between 1 and 9 (67% compared with 46%) (Figure 3.2; Table A3).





Source: Table A3.

**Figure 3.2: Adoptions, by age group and sex of child, 2012-13**

Of the Australian population aged 0-17, 6 per 100,000 were the subject of a finalised adoption in 2012-13. This rate varied across age groups from 17 per 100,000 of those aged under 12 months and 10 per 100,000 for those aged 1 to 4, to just over 2 per 100,000 for those aged 15-17 (Table 3.1).

**Table 3.1: Number and rate of adoptions of children aged 0-17, by age group, 2012-13**

Age group (years)	Number of adoptions	Adoptions per 100,000 <sup>(a)</sup>
Under 1	51	16.8
1-4	122	10.2
5-9	74	5.2
10-14	46	3.3
15-17	20	2.3
<b>0-17</b>	<b>313</b>	<b>6.0</b>
18+	26	..

(a) Rate based on ABS estimated resident population aged 0-17 at 31 December 2012.

Note: Rates based on small numbers should be interpreted with caution.

Source: AIHW Adoptions Australia data collection; AIHW analysis of ABS 2012a unpublished estimates.

For local and intercountry adoptions, children are placed with their adoptive families before their adoption order is finalised (figures 2.1 and 2.2). There were 104 such placements during 2012-13 (Table A2). Some children placed for adoption during this period may not have their adoption finalised this year. In addition, some adoption orders finalised in 2012-13 may relate to children who were placed in previous years.

## 3.2 Intercountry adoptions

There were 129 intercountry adoptions finalised in 2012–13, representing 38% of all adoptions (Figure 3.1). This was a decrease of 20 adoptions, or 13%, from 2011–12. Over this period, the number of intercountry adoptions decreased in New South Wales (from 46 to 33), Victoria (from 36 to 23), South Australia (from 23 to 18) and the Australian Capital Territory (from 6 to 4), but increased slightly in the remaining states and territories (Table A9).

In addition, during 2012–13, there were 156 applicants who became official clients of Australian adoption authorities. An ‘applicant’ can be a married couple, a de facto couple or a single person. A formal decision by an adoption authority was made to approve 87 applicants as eligible and suitable to adopt a child (*Note:* Some approvals may relate to applicants who became official clients during 2012–13 while others may relate to applicants who became official clients during a previous year). Also, during the period, Australian adoption authorities sent 54 files overseas (Table 3.2).

**Table 3.2: Level of activity in intercountry adoption, by state and territory, 2012–13**

	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Australia
Number of applicants who became official clients <sup>(a)</sup>	22	2	64	34	18	6	2	8	<b>156</b>
Number of applicants who were approved as eligible and suitable for adoption <sup>(b)</sup>	23	6	16	25	10	4	1	2	<b>87</b>
Number of files sent overseas <sup>(c)</sup>	17	10	9	7	6	2	1	2	<b>54</b>

(a) Counts the applicants who became official clients of the adoptions section of the relevant state/territory department between 1 July 2012 and 30 June 2013. An ‘applicant’ can be a married couple, a de facto couple or a single person. The method by which the applicant becomes an ‘official client’ will vary for each jurisdiction, and may be when the department first opens a file, when the applicant registers, or when they are invited to attend an information session (Appendix B.1).

(b) Counts the number of applicants whose application to adopt was approved by the department between 1 July 2012 and 30 June 2013. An approval is when a formal decision is made by the responsible person that the applicant(s) are eligible and suitable to adopt a child.

(c) Counts the number of files that the department or non-government agency sent to another country between 1 July 2012 and 30 June 2013.

*Note:* Each category is separate and while some applicants may appear in each category (for example, if they became official clients and were approved as eligible in the same year), it is wrong to assume that all do. For example, some applicants may have become official clients in 2010–11, been approved in 2011–12 and had their file sent overseas in 2012–13. These applicants would appear only in the last category.

*Source:* AIHW Adoptions Australia data collection.

## Country of origin

In 2012–13, 84% of intercountry adoptions finalised were children from Asia, 13% were from Africa, and 3% from South/Central America (Table A8). The most common countries of origin were Taiwan (37 adoptions or 29%), the Philippines (20 or 16%), Ethiopia (17 or 13%) and Thailand (16 or 12%) (Figure 3.3; Table 3.3). Since 2011–12, the number of finalised adoptions from India (down 63%, from 8 to 3), South Korea (down 46%, from 26 to 14), China (down 42%, from 24 to 14) and the Philippines (down 31%, from 29 to 20) has decreased, although these changes should be interpreted with caution due to the small numbers of adoptions finalised. In contrast, the number from Taiwan increased by 68% (from 22 to 37). Fluctuations were less pronounced for other countries of origin (Table A10).

Refer to ‘Adoptions of overseas children’ in Section 4.1 for a discussion of trends in intercountry adoption.

Of those intercountry adoptions finalised in 2012–13, 47% were from countries that are part of the Hague Convention (Table 3.3). This was down from 55% in 2011–12 and was the first

year since 2007–08 that non-Hague adoptions outnumbered Hague adoptions (refer to the Glossary for definitions of intercountry child adoption categories) (AIHW 2009, 2012).

Of all finalised intercountry adoptions in the past decade, 26% have come from China, 19% from South Korea and 14% from Ethiopia. Adoptions from the Philippines and Taiwan have comprised 13% and 7%, respectively (Table A10).

**Table 3.3: Number of finalised intercountry adoptions, by type of adoption and child's country of origin, 2012–13**

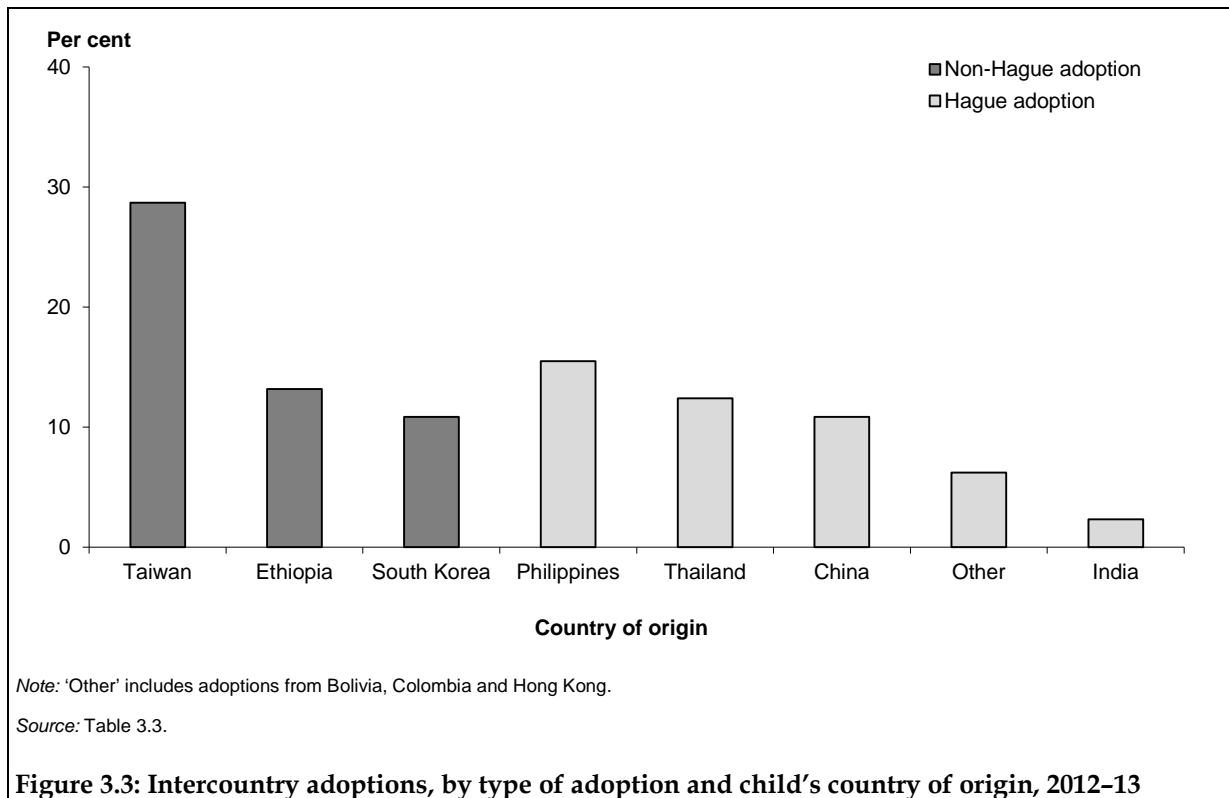
Country of origin	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Australia
<b>Hague adoptions</b>									
China <sup>(a)</sup>	6	3	2	2	1	—	—	—	14
India	1	2	—	—	—	—	—	—	3
Philippines	7	3	5	—	3	—	2	—	20
Thailand	5	1	3	2	3	1	—	1	16
Other <sup>(b)</sup>	4	3	—	1	—	—	—	—	8
<i>Total Hague adoptions</i>	23	12	10	5	7	1	2	1	61
<b>Non-Hague adoptions</b>									
Ethiopia	—	4	3	1	2	3	2	2	17
South Korea	4	5	1	1	2	1	—	—	14
Taiwan	6	2	9	3	7	3	—	7	37
<i>Total non-Hague adoptions</i>	10	11	13	5	11	7	2	9	68
<b>Total intercountry adoptions</b>	<b>33</b>	<b>23</b>	<b>23</b>	<b>10</b>	<b>18</b>	<b>8</b>	<b>4</b>	<b>10</b>	<b>129</b>
<b>Proportion of intercountry adoptions (per cent)</b>	<b>25.6</b>	<b>17.8</b>	<b>17.8</b>	<b>7.8</b>	<b>14.0</b>	<b>6.2</b>	<b>3.1</b>	<b>7.8</b>	<b>100.0</b>

(a) Excludes Special Administrative Regions and Taiwan Province.

(b) 'Other' includes adoptions from Bolivia, Colombia and Hong Kong.

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

Source: AIHW Adoptions Australia data collection.



### Processing times for children placed during 2012–13

For children who were placed with their adoptive parents in 2012–13, the median length of time from when an Australian applicant became an official client of the department to when a child was placed with them was 61 months, or 5 years and 1 month. The median length of time ranged from 28 months for Taiwan to 88 months for China (Table 3.4).

The longest period in the process, for most countries, occurs between when a partner country receives an applicant's file from Australia and when the overseas authority allocates a child. In 2012–13, this generally ranged from 39 to 75 months (excluding South Korea and Taiwan, where this period took only 6 and 8 months, respectively) (Table 3.4). Factors that may affect the time involved in the process include:

- the number and characteristics of children needing families
- the number of prospective adoptive applicants
- the age and needs of the child/children an applicant is approved to adopt
- how long it takes the overseas country to process the application (which is subject to changes in their policies and resources).

After a child is placed with their adoptive family, there can still be a period before the adoption order is finalised. Children placed for adoption during 2012–13 may not have had their adoption finalised this year.

**Table 3.4: Median length of time (in months) for the intercountry adoptions process, by country of origin, for children placed in 2012–13<sup>(a)</sup>**

Country of origin	From when the applicant(s) became official clients of the department to when an approval decision was made	From when an approval decision was made to when the file was sent overseas	From when the file was sent overseas to when the child was allocated	From when the child was allocated to when the child was placed	Total length of process <sup>(b)</sup>
China	9	2	75	2	88
Thailand	10	3	54	3	70
Philippines	10	4	39	5	60
South Korea	9	7	6	15	37
Taiwan	8	2	8	8	28
Other <sup>(c)</sup>	9	5	16	6	51
<b>All countries</b>	<b>9</b>	<b>3</b>	<b>37</b>	<b>5</b>	<b>61</b>

(a) This table includes all children who were placed with their adoptive families during 2012–13. It examines the length of time from when applicants became official clients of the department to when a child was placed with them.

(b) Total process is the overall median length of time from when the applicant(s) became official clients of the department to when the child was placed. It may not equal the sum of the preceding processes due to rounding to the nearest whole month and because of the nature of median calculations.

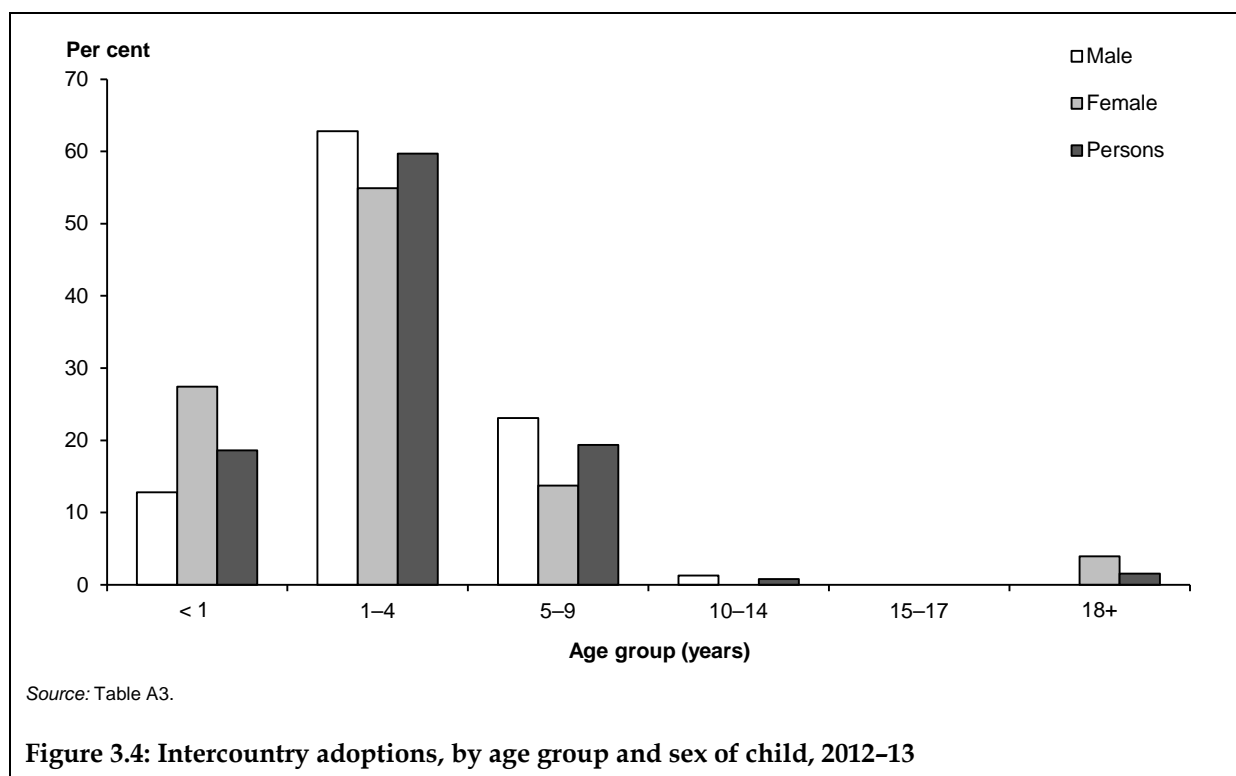
(c) 'Other' includes Bolivia, Colombia, Hong Kong and India. Each of these countries had less than 4 placements in 2012–13, making it unsuitable to report a median measure for these countries individually.

Source: AIHW Adoptions Australia data collection.

## Characteristics of adopted children

As in previous years, the majority of the 129 children who were the subject of a finalised intercountry adoption in 2012–13 were aged under 5 (78%), which was similar to the situation in 2011–12 (79%) and lower than that for 2010–11 (87%) (AIHW 2011, 2012; Table A3). Less than one-fifth of all finalised intercountry adoptions were of infants aged under 12 months (19%) (Figure 3.4). Children who were the subject of a finalised non-Hague adoption were more likely to be infants – 28% of non-Hague adoptees were aged under 12 months, compared with 8% of Hague adoptees (Table A12). The vast majority of the non-Hague adoptees (and 75% of all intercountry adoptees) aged under 12 months came from Taiwan, where 49% were aged under 12 months (AIHW Adoptions Australia data collection).

Overall, a greater proportion of children who were the subject of a finalised intercountry adoption in 2012–13 were male (60%) (Table A3). Similarly, a higher proportion of children who were the subject of a finalised adoption from a Hague country were male (70%). However, for non-Hague countries, a similar proportion of males and females were the subject of a finalised adoption (51% and 49%, respectively) (Table A12). Females in intercountry adoptions tended to be younger than males, with 82% aged under 5 and 27% aged under 12 months (compared with 75% and 13%, respectively, for males) (Table A3; Figure 3.4).



In 2012-13, the majority of intercountry adoptions finalised were of single children, but 19 children were adopted as part of 9 sibling groups. That is, a child and at least some of their siblings were adopted at the same time by the same family. Four (4) sibling groups who had their adoption finalised in 2012-13 were adopted from Hague countries and 5 were adopted from non-Hague countries (Table A13).

### Administration of Hague adoptions

In 2012-13, 69% of children who were the subject of a finalised Hague adoption entered Australia under guardianship orders, and then had their adoption orders finalised in Australia. The remaining 31% entered Australia under full adoption orders made in their country of origin (Table A14).

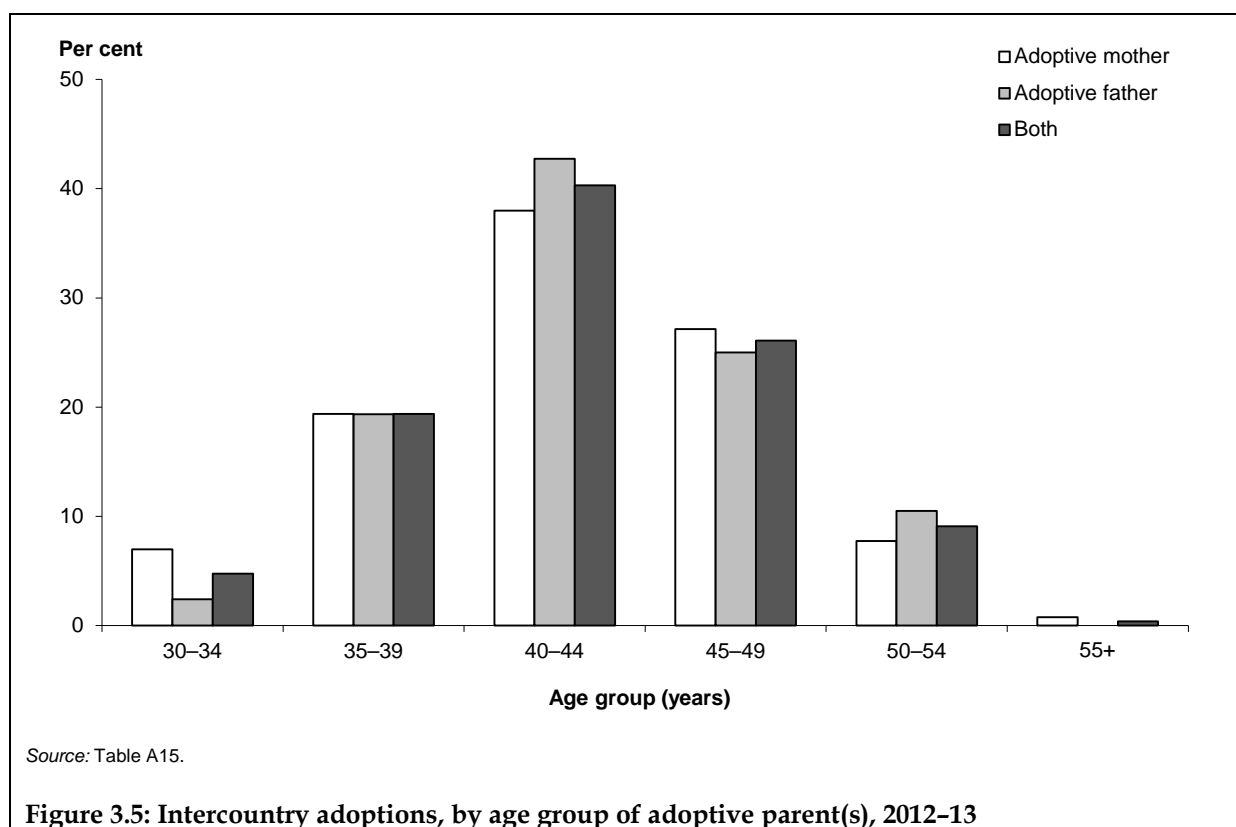
Of those children entering Australia under guardianship orders, 48% were from the Philippines and 38% were from Thailand (Table A14).

### Characteristics of adoptive families

Adoptive parents tend to be older than biological parents largely due to eligibility requirements—all adoptive parents who were part of a finalised intercountry adoption in 2012-13 were aged at least 30, and more than three-quarters (76%) were aged 40 and over (Table A15; Figure 3.5). This proportion was slightly higher than the 2011-12 proportion of 70% (AIHW 2012). Nearly all intercountry adoptions were made by couples in a registered marriage (95%) (Table 3.5). This reflects the criteria used to assess the eligibility of prospective adoptive parents by local authorities and overseas partners.

In most jurisdictions in Australia, de facto couples are eligible to adopt and an increasing number of Australian jurisdictions allow same-sex couples to adopt; however, each overseas adoption authority has its own eligibility criteria that must be met for an adoption

application to proceed. Increasingly fewer intercountry programs permit applications from single persons, with many programs requiring prospective adoptive parents to have been in a registered marriage for a set time; for example, South Korea requires applicants to have been in a registered marriage for a minimum of 3 years. Many programs also specify age requirements for adoptive parents; for example, China requires applicants to be aged between 30 and 50 (or 55 for the Online Special Needs Program) (AGD 2013a). Further, none of the current intercountry agreements have provisions that allow same-sex couples to apply (AGD 2013a).



**Table 3.5: Finalised intercountry adoptions, by type of adoption and marital status of the adoptive parent(s), 2012-13**

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 couple	60	98.4	63	92.6	123	95.3
De facto couple	—	—	1	1.5	1	0.8
Single person <sup>(a)</sup>	1	1.6	4	5.9	5	3.9
<b>Total</b>	<b>61</b>	<b>100.0</b>	<b>68</b>	<b>100.0</b>	<b>129</b>	<b>100.0</b>

(a) May include widowed parents.

Source: AIHW Adoptions Australia data collection.

In 2012-13, more than half (54%) of children who were the subject of a finalised intercountry adoption were adopted into families with no other children (excluding adoptions for New South Wales, for which data were not available) and over one-quarter (28%) of the adoptive families had only other adopted children before the adoption (Table 3.6). As for marital

status and the age of adoptive parents, some countries of origin have specific eligibility criteria that affect these proportions directly – such as infertility requirements or restrictions on family size (AGD 2013a).

**Table 3.6: Finalised intercountry adoptions, by type of adoption and composition of the adoptive family, 2012–13**

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	21	55.3	31	53.5	52	54.2
Biological children only	8	21.1	7	12.1	15	15.6
Adopted children only	7	18.4	20	34.5	27	28.1
Both biological and adopted children	2	5.3	—	—	2	2.1
<b>Total<sup>(a)</sup></b>	<b>38</b>	<b>100.0</b>	<b>58</b>	<b>100</b>	<b>96</b>	<b>100</b>

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

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

Source: AIHW Adoptions Australia data collection.

## Expatriate adoptions

Expatriate adoptions occur when an Australian citizen or permanent resident living abroad for 12 months or more adopts a child through an overseas agency or government authority. Australian adoption authorities are not responsible for expatriate adoptions, and do not assess or approve applicants for such adoptions.

For these adoptions to be recognised in Australia, the 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 obtain citizenship or have an adoption-specific visa in order to enter Australia.

In 2012–13, there were 93 adoption-specific visas issued for children who were adopted through an overseas agency or authority, and whose adoptive parents lived overseas for 12 months or more (Table A16). This was a 31% decrease from 2011–12, when 135 visas were issued (AIHW 2012). In 2012–13, visas for this type of adoption were issued from 32 countries, compared with 39 in 2011–12 (AIHW 2011).

A further 72 visas were issued for intercountry adoptions that were arranged by an Australian state or territory authority (Table A16). However, not all children who were issued with visas in 2012–13 would have necessarily entered Australia during this period.

## 3.3 Local adoptions

In 2012–13, there were 54 local adoptions finalised, representing 16% of all adoptions (Table 3.7; Figure 3.1). The number of local adoptions was similar to that for the previous year, decreasing by 1 from 55 in 2011–12. Again, despite this occurring at a national level, there were differences between the states and territories. The number of local adoptions decreased in Victoria (from 28 to 17), increased in Queensland (from 7 to 13) and showed little or no change in the remaining states and territories (Table A5).



**Table 3.7: Local adoptions, by state and territory, 2012–13**

<b>State/territory</b>	<b>Number</b>	<b>Per cent</b>
New South Wales	13	24.1
Victoria	17	31.5
Queensland	13	24.1
Western Australia	6	11.1
South Australia	2	3.7
Tasmania	2	3.7
Australian Capital Territory	—	—
Northern Territory	1	1.9
<b>Australia</b>	<b>54</b>	<b>100.0</b>

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

Source: AIHW Adoptions Australia data collection.

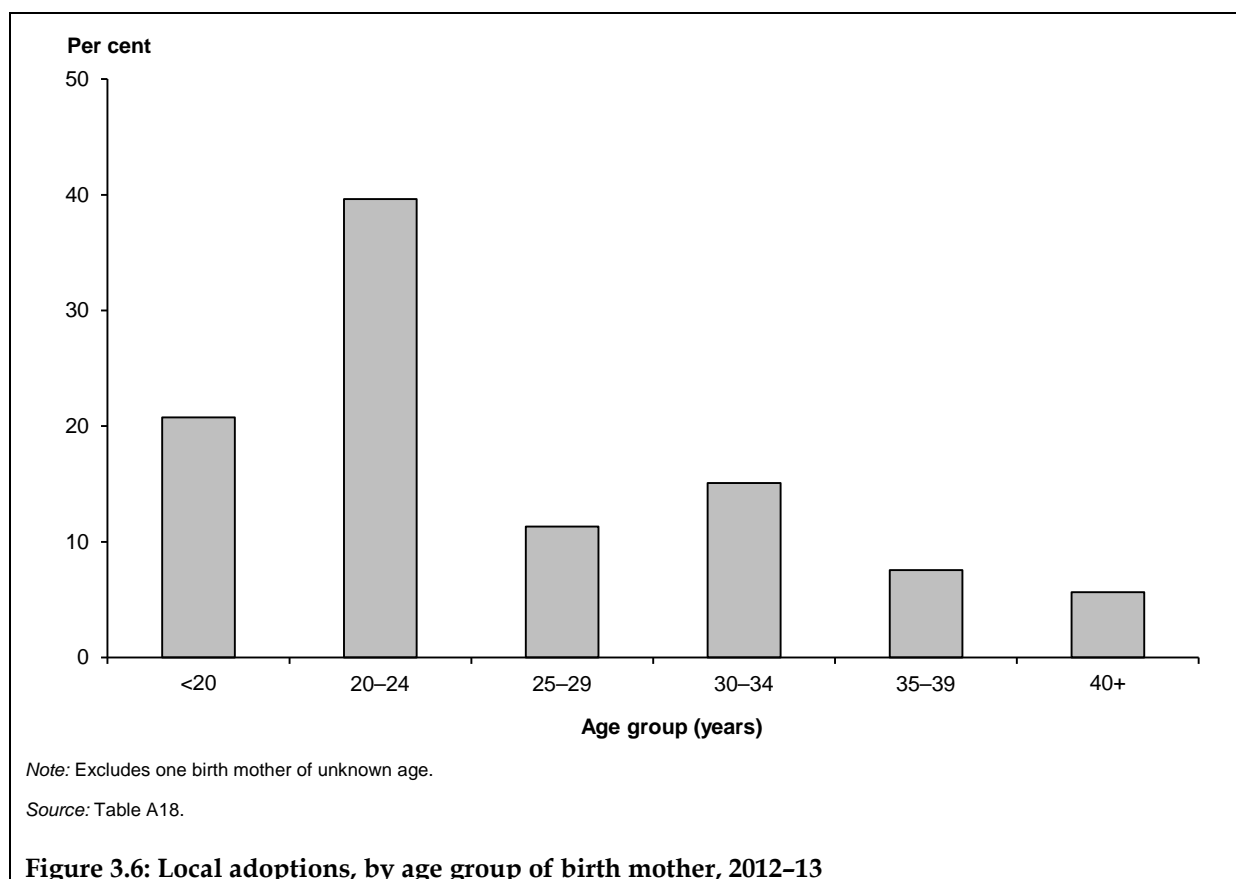
## Characteristics of adopted children

Similar to intercountry adoptions, more males were the subject of a finalised local adoption in 2012–13 than females (59% and 41%, respectively, of local adoptions). Children in local adoptions tended to be younger than those adopted from other countries: 48% of local adoptions in 2012–13 were of infants aged under 12 months, compared with 19% of children adopted from other countries. (Refer to ‘Adoption of overseas children’ in Section 4.1 and to Section 2.3 [Special needs children] for a discussion of factors that contribute to this pattern.) All children who were the subject of a finalised local adoption in 2012–13 were aged under 5 (Table A3).

In 2012–13, there were no local adoptions in which multiple siblings were adopted at the same time as part of a sibling group (Table A13).

## Characteristics of birth mothers

The median age of the birth mothers of children who were the subject of a finalised local adoption in 2012–13 was 23 (at the time of the child’s birth), with ages ranging from 15 to 43. This is 8 years younger than the median age of all mothers giving birth in 2011 and 4 years younger than that of all unmarried mothers giving birth in 2011 (ABS 2012b; Table A17). In 2012–13, 72% of children in local adoptions had birth mothers who were aged under 30 (60% were aged under 25) (Table A18; Figure 3.6). Almost all birth mothers were not in a registered marriage (94%) (Table A19). The marital status of birth mothers is likely to be influenced by both age and by patterns of decreasing registered marriages and increasing de facto relationships in the general population (ABS 2009).



## Administration of local adoptions

For more than half (56%) of local adoptions finalised in 2012-13, consent was given by the birth mother only – this may relate to the high proportion of mothers who were not in a registered marriage at the time of birth. All of the remaining local adoptions had consent from both birth parents (44%) (Table 3.8).

**Table 3.8: Local adoptions, by type of consent, 2012-13**

Type of consent given	Number	Per cent
From birth mother only <sup>(a)</sup>	30	55.6
From birth father only <sup>(b)</sup>	—	—
From both birth parents	24	44.4
Both birth parents' consent dispensed/not required	—	—
<b>Total</b>	<b>54</b>	<b>100.0</b>

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

(b) Birth mother's consent dispensed/not required.

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

Source: AIHW Adoptions Australia data collection.

Agreements made at the time of adoption indicated that the majority (87%) of local adoptions finalised in 2012–13 could be considered ‘open’ – that is, all parties agreed to allow a degree of contact or information exchange to occur between families (Table 3.9).

For local adoptions, open adoption agreements have been the most common arrangement for more than a decade. This reflects the change in local adoption practices 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. Since 1998–99, the proportion of local adoptions where the birth and adoptive families have agreed to allow some type of contact or information exchange has generally been more than 80% (Table A20).

**Table 3.9: Local adoptions, by type of agreement, 2012–13**

Type of agreement	Number	Per cent
Contact and information exchange	31	57.4
Contact only	1	1.9
Information exchange only	15	27.8
No contact or information exchange	7	13.0
<b>Total</b>	<b>54</b>	<b>100.0</b>

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

Source: AIHW Adoptions Australia data collection.

More than three-fifths (63%) of the local adoptions finalised in 2012–13 were arranged by a relevant state and territory government department. The rest (37%) were arranged by a non-government organisation (Table A21). This differed from 2011–12, when a greater proportion of local adoptions were arranged by non-government agencies than by government departments (55% compared with 45%, respectively) (AIHW 2012).

## Characteristics of adoptive families

For local adoptions finalised in 2012–13, there was a similar pattern for marital status of adoptive parents to that noted for intercountry adoptions. Almost all (96%) of the adoptive parents were in a registered marriage (Table 3.10). However, adoptive parents involved in local adoptions tended to be younger than those who had adopted a child through intercountry adoption—just over one-third (35%) were aged 40 and over compared with 76% of those involved in finalised intercountry adoptions. Similar to intercountry adoptions, there were no adoptive parents aged under 30 (Table A15; Figure 3.7). This was in contrast to 2011–12, when 8% of adoptive parents were aged under 30 (AIHW 2012).

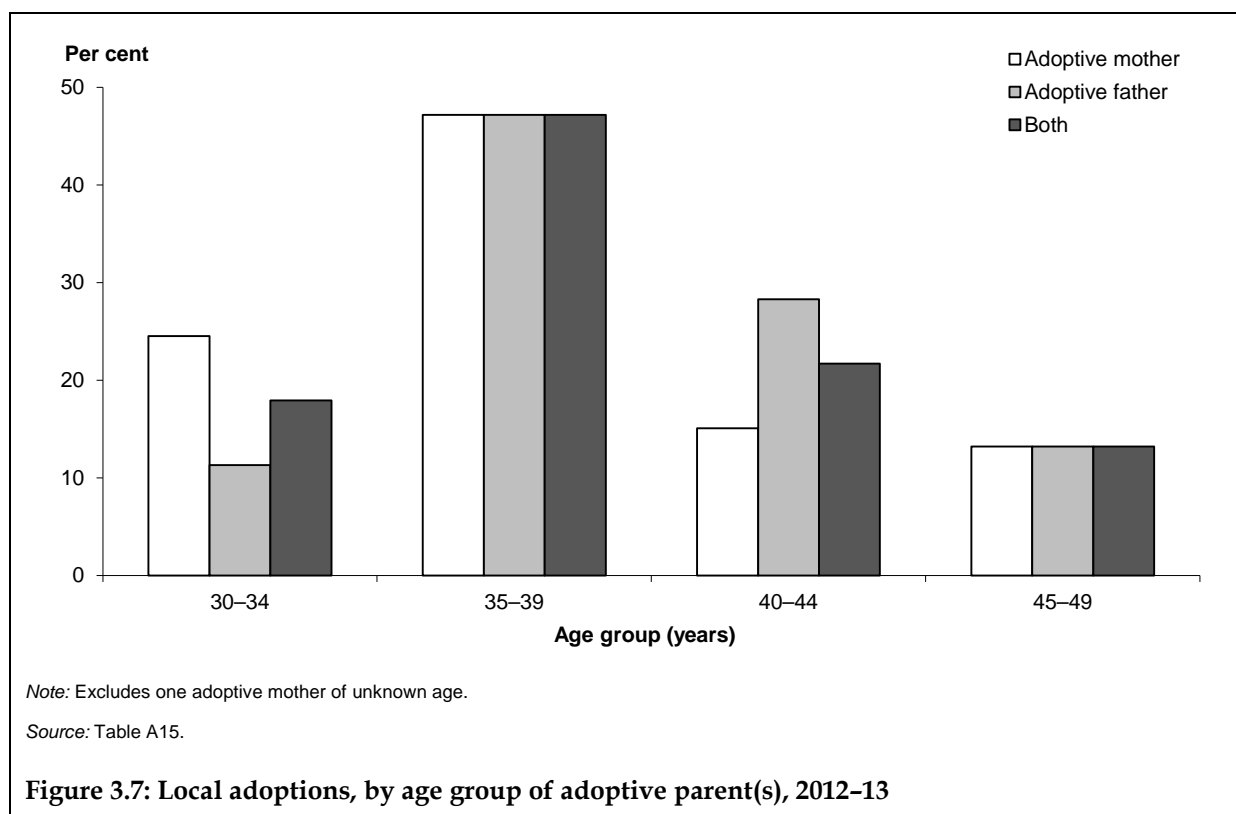
**Table 3.10: Local adoptions, by marital status of the adoptive parent(s), 2012–13**

Marital status of the adoptive parent(s)	Number	Per cent
Registered married couple	52	96.3
De facto couple	1	1.9
Single person <sup>(a)</sup>	1	1.9
<b>Total</b>	<b>52</b>	<b>100.0</b>

(a) May include widowed parents.

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

Source: AIHW Adoptions Australia data collection.



Most children who were the subject of a finalised local adoption in 2012-13 were adopted into families with no other children (66%). One-fifth (20%) of the adoptive families had adopted children only, and a further 12% had biological children only (excluding adoptions for New South Wales, for which data were not available for this table) (Table 3.11).

**Table 3.11: Local adoptions, by composition of the adoptive family, 2012-13**

Composition of the adoptive family	Number	Per cent
No other children in the family	27	65.9
Adopted children only	8	19.5
Biological children only	5	12.2
Both biological and adopted children	1	2.4
<b>Total<sup>(a)</sup></b>	<b>41</b>	<b>100.0</b>

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

Source: AIHW Adoptions Australia data collection.

Although eligibility criteria set by local adoption authorities in Australia are generally less restrictive than those set by agencies in countries with which Australia has an intercountry adoptions program, it is likely that these criteria still influence the proportions reported above. For example, other than in exceptional circumstances, only registered married couples are allowed to adopt in the Northern Territory. In all other jurisdictions, registered married couples and de facto couples are eligible – with same-sex couples able to adopt in New South Wales, Western Australia, Tasmania and the Australian Capital Territory. However, specifications around the length of time couples need to have been in a married or de facto relationship, and the increasing tendency for couples to postpone having children and to

enter into these relationships later in life (ABS 2007), would affect the data presented in this section.

The circumstances under which single people can apply to adopt also vary for each state and territory, with most accepting applications only under special circumstances. Special circumstances may include a previous longstanding relationship with the child, with adoption deemed to be in the child's best interests (which would be considered a known child adoption), or adoption of a child with special needs where the single applicant has special skills needed to parent the child (such as expertise in working with children with a disability, or nursing) (Appendix B.1).

### 3.4 Known child adoptions

There were 156 known child adoptions finalised in 2012–13, an increase of 27 (21%) since 2011–12 (Table A6). Known child adoptions represented almost half (46%) of all adoptions and 74% of adoptions of Australian children in 2012–13, up from 39% and 70%, respectively, in 2011–12 (Table 3.12; Figure 3.1; AIHW 2012). The increase in known child adoptions was largely driven by increases in New South Wales (from 91 to 108) – 78 of which were carer adoptions – and Western Australia (from 18 to 26) (Table A6; AIHW Adoptions Australia data collection).

**Table 3.12: Known child adoptions, by state and territory, 2012–13**

State/territory	Number <sup>(a)</sup>	Per cent
New South Wales	108	69.2
Victoria	4	2.6
Queensland	10	6.4
Western Australia	26	16.7
South Australia	—	—
Tasmania	3	1.9
Australian Capital Territory	2	1.3
Northern Territory	3	1.9
<b>Australia</b>	<b>156</b>	<b>100.0</b>

(a) Number of adoptions includes children aged 18 and over (Table A23).

Source: AIHW Adoptions Australia data collection.

The highest proportion of known adoptions was by carers such as foster parents (52%). The majority of these (78 of the 81 carer adoptions nationally) occurred in New South Wales. This is indicative of policies New South Wales which are increasingly promoting adoption as a means of achieving stability for children under the long-term care of state and territory child protective services when reunification is not considered appropriate. Most (45%) of the remaining known adoptions finalised in 2012–13 were by step-parents. This reflects the preference for options other than adoption in instances where relatives other than step-parents are to have long-term parental responsibility for a child to avoid confusing biological relationships (tables 3.13 and A22).

**Table 3.13: Known child adoptions, by relationship of adoptive parent(s), 2012–13**

Relationship of the adoptive parent(s)	Number <sup>(a)</sup>	Per cent
Carer	81	51.9
Step-parent	70	44.9
Relative <sup>(b)</sup>	2	1.3
Other	3	1.9
<b>Total</b>	<b>156</b>	<b>100.0</b>

(a) Number of adoptions includes children aged 18 and over (Table A23).

(b) Includes relatives other than step-parents.

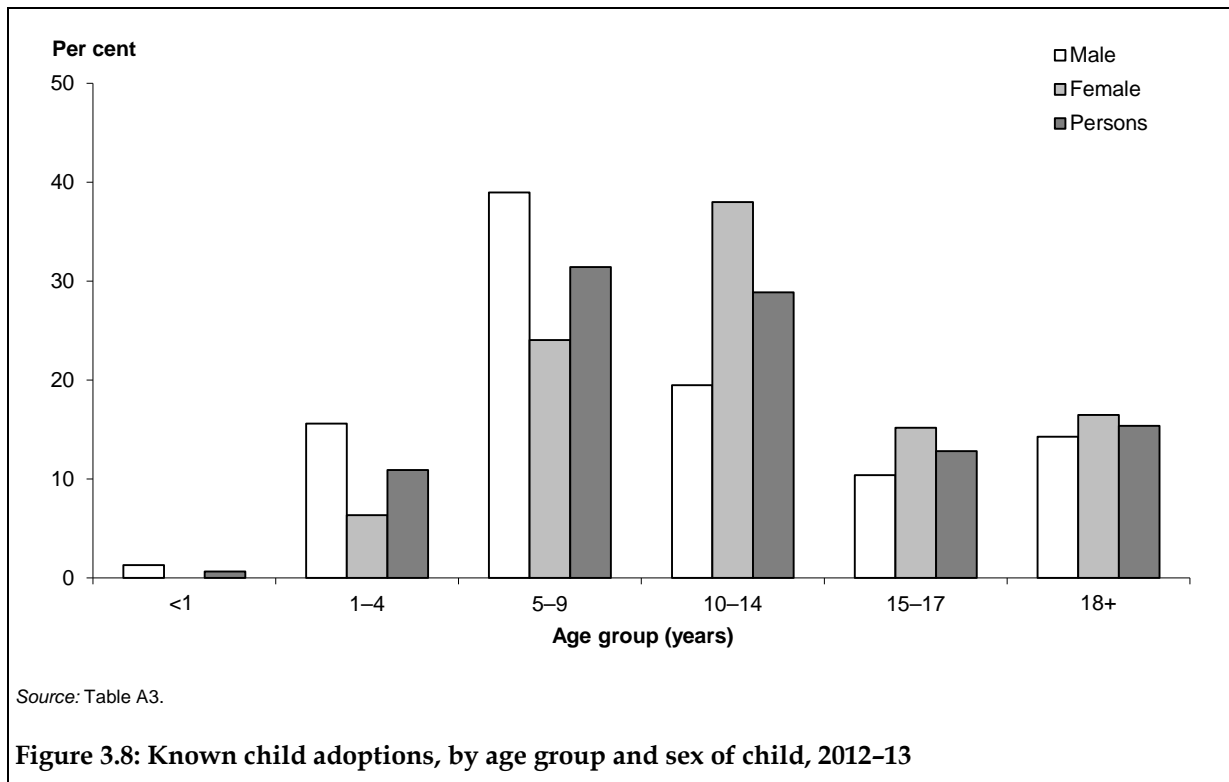
Source: AIHW Adoptions Australia data collection.

## Characteristics of adopted children

Overall, a similar number of known child adoptees were male and female (49% and 51%, respectively) (Table A3). A higher proportion of males were aged under 10 (56% compared with 30%) and a higher proportion of females were aged over 14 (32% compared with 25%) (Figure 3.8).

Australian children from known child adoptions tend to be much older than children in local or intercountry adoptions. Almost three-fifths (57%) of known child adoptions finalised in 2012–13 were of children aged 10 and over, including 15% who were aged 18 and over. Only 12% were of children aged under 5 (Table A3; Figure 3.8). This may reflect requirements around the known child's age, and, in many jurisdictions, the length of time the prospective parent(s) need to have had a relationship with the child (Appendix B.1).

The older age of children in known child adoptions is also affected by the high proportion of adoptions by step-parents – 45% of known adoptions finalised in 2012–13 (Table A22). Children adopted by step-parents tend to be older than those adopted by other adults because of the additional time involved in forming stepfamilies. Of the known adoptions finalised in 2012–13, about three-quarters (74%) of the children in step-parent adoptions were aged 10 and over, compared with 43% of children adopted by the other categories of known adoptive parents (Table A23).



### 3.5 Access to information

The way information is accessed under Australia’s adoption law has changed substantially since the 1980s, starting with the *Adoption Act 1984* (Vic). Changes in Australian adoption procedures have paralleled a shift in social attitudes from one in which adoptions were regarded as providing a service for adults to one in which the wellbeing of children has become paramount.

Currently, all states and territories have legislation that grants certain information rights to adopted people who are aged 18 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 (Appendix B, sections 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).

Parties to an adoption may apply for access to identifying or non-identifying information. ‘Identifying information’ is information – such as the original birth certificate or the amended birth certificate – that identifies the 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 the age of birth parent(s) and place of birth.

In 2012–13:

- There were 2,690 information applications made—85% for identifying information and 15% for non-identifying information (Table 3.14).
- The majority of the information applications (both identifying and non-identifying) were made by the adopted person (71% in total); 12% were made by the birth parents and 9% by other birth relatives (Table 3.14).
- More than 9 in 10 (91%) adopted persons seeking identifying information were aged 35 and over (Table 3.15).
- A similar number of male and female adopted persons lodged information applications (624 and 622, respectively) (Table 3.15).

**Table 3.14: Number of information applications lodged, by person lodging application, 2012–13**

Person lodging the application	NSW <sup>(a)(b)</sup>	Vic	Qld	WA <sup>(c)(d)</sup>	SA <sup>(e)</sup>	Tas	ACT	NT <sup>(c)</sup>	Australia	Total (%)
<b>Identifying information</b>										
Adopted person	539	431	390	130	183	56	24	18	1,771	77.2
Adoptive mother	—	—	3	7	2	—	—	1	13	0.6
Adoptive father	—	—	—	2	4	1	—	—	7	0.3
Birth mother	88	—	33	24	34	9	1	4	193	8.4
Birth father	6	—	7	9	4	—	—	—	26	1.1
Other birth relative(s)	9	—	56	33	14	6	2	5	125	5.5
Other adoptive relative(s)	—	—	5	7	16	—	—	—	28	1.2
Child of adopted person	27	34	—	20	17	4	—	—	102	4.4
Unknown	—	—	24	4	—	—	—	—	28	1.2
<b>Total</b>	<b>669</b>	<b>465</b>	<b>518</b>	<b>236</b>	<b>274</b>	<b>76</b>	<b>27</b>	<b>28</b>	<b>2,293</b>	<b>100.0</b>

(continued)



**Table 3.14 (continued): Number of information applications lodged, by person lodging application, 2012–13**

Person lodging the application	NSW <sup>(a)(b)</sup>	Vic	Qld	WA <sup>(c)(d)</sup>	SA <sup>(e)</sup>	Tas	ACT	NT <sup>(c)</sup>	Australia	Total (%)
<b>Non-identifying information</b>										
Adopted person	..	—	11	118	3	—	—	—	132	33.2
Adoptive mother	..	9	1	5	—	—	—	—	15	3.8
Adoptive father	..	1	—	2	—	—	—	—	3	0.8
Birth mother	..	65	2	19	—	—	—	—	86	21.7
Birth father	..	7	—	7	—	—	—	—	14	3.5
Other birth relative(s)	..	84	—	29	—	—	—	—	113	28.5
Other adoptive relative(s)	..	—	—	6	—	—	—	—	6	1.5
Child of adopted person	..	—	—	18	1	—	—	—	19	4.8
Unknown	..	—	—	9	—	—	—	—	9	2.3
<b>Total</b>	<b>..</b>	<b>166</b>	<b>14</b>	<b>213</b>	<b>4</b>	<b>—</b>	<b>—</b>	<b>—</b>	<b>397</b>	<b>100.0</b>

- (a) In New South Wales, for adoption orders that occur after 1 January 2010, adopted persons, adoptive parents and birth parents are able to apply for identifying information about one another where an adopted person is over the age of 18. Where an adopted person is under the age of 18, he/she will need the consent of his/her adoptive parent/s or the consent of the Director-General of the New South Wales Department of Family and Community Services to apply for his/her identifying information. When a birth parent or a non-adopted sibling applies for identifying information where the adopted person is under the age of 18, the birth parent or a non-adopted sibling must produce a supply authority that has been issued after a risk assessment.
- (b) The applications included for New South Wales are those that were lodged, processed and completed (as per previous years). In 2012–13, New South Wales experienced an increase in applications for identifying information after the state and federal apologies on forced adoption practices. A further 272 applications were received in 2012–13 that were still to be processed as at 30 June 2013.
- (c) 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'.
- (d) In Western Australia, where an application is lodged by both adoptive/birth parents, it is counted under the mother.
- (e) In South Australia, adopted persons aged 18 or over can access information relating to their adoption, such as information in their birth certificate, details about their birth parents (if known), as well as any information left by birth family members. Birth parents can apply for the release of certain information once the adopted person turns 18. Adoptive parents can apply for certain information under certain circumstances. A descendant of an adopted person such as a son, daughter, grandson or granddaughter, can apply for certain information. A birth relative can also apply for information under certain circumstances. A veto may be in place if the adoption occurred before 17 August 1989, which would mean the applicant can receive only non-identifying information about the adoption.

*Notes*

1. Percentages may not add to 100 because of rounding.
2. Data predominantly relate to applicants who are party to a local adoption. Very few applicants are party to an intercountry adoption.
3. 'Identifying information' is information, such as the original birth certificate or the amended birth certificate, which identifies the 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 3.15: Adult adopted persons who lodged information applications, by Indigenous status, age group and sex of applicant, 2012–13**

Age group (years)	Indigenous Australians			Other Australians <sup>(a)</sup>			Total <sup>(a)</sup>			Total (%) <sup>(b)</sup>
	Males	Females	Persons	Males <sup>(c)</sup>	Females <sup>(c)</sup>	Persons	Males	Females	Persons	
18–19	—	—	—	4	9	13	4	9	13	1.0
20–24	—	—	—	6	10	16	6	10	16	1.3
25–34	4	3	7	47	66	113	51	69	120	9.6
35–44	10	6	16	206	156	365	216	162	381	30.5
45+	17	10	27	330	361	693	347	371	720	57.6
<b>Total (no.)</b>	<b>31</b>	<b>19</b>	<b>50</b>	<b>593</b>	<b>603</b>	<b>1,201</b>	<b>624</b>	<b>622</b>	<b>1,251</b>	
<b>Total (%)</b>	<b>62.0</b>	<b>38.0</b>		<b>49.6</b>	<b>50.3</b>		<b>50.1</b>	<b>49.8</b>		<b>100.0</b>

(a) Total males, females and persons include persons of unknown age and/or sex.

(b) Percentages exclude 1 female whose age was unknown, and 5 persons whose sex was unknown.

(c) Percentages exclude 5 persons whose sex was unknown.

*Notes*

1. Percentages may not add to 100 because of rounding.
2. New South Wales was unable to provide data for this table.
3. If Indigenous status was unknown, the person was included in the 'Other Australians' category.

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, 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.

In some states and territories, a contact veto can also be lodged. These vetoes are legally binding and if a person receives identifying information and then contacts 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 are valid only for adoptions that occurred before a particular date, or last for only a set amount of time before they need to be renewed. Contact vetoes may be lodged relating to adoptions for which information is never requested (Appendix B.3).

In 2012–13:

- There were 139 contact and identifying information vetoes lodged (Table 3.16).
- There were 8,698 contact and identifying information vetoes in place at 30 June 2013 (Table 3.17).
- For both vetoes lodged in 2012–13 and vetoes in place at 30 June 2013, more than half were lodged by the adopted person (60% and 54%, respectively). Birth mothers were the next highest proportion (36% and 39%, respectively) (tables 3.16 and 3.17).
- The number of vetoes lodged each year has fluctuated over the last decade, ranging from 52 to 140 (Table A24).
- As in previous years, in 2012–13, the number of applications for information far exceeded the number of vetoes lodged against contact or the release of identifying information – 2,690 compared with 139 (Table A24).

**Table 3.16: Number of vetoes lodged, by person lodging veto, 2012-13**

	Person lodging the veto							Total
	Adopted person	Adoptive mother	Adoptive father	Birth mother	Birth father	Other birth relative	Other adoptive relative	
<b>Contact vetoes lodged</b>								
Australia	25	—	—	7	—	—	—	32
Per cent	78.1	—	—	21.9	—	—	—	100.0
<b>Identifying information vetoes lodged</b>								
Australia	59	3	—	43	2	—	—	107
Per cent	55.1	2.8	—	40.2	1.9	—	—	100.0
<b>Total vetoes lodged</b>								
<b>Australia</b>	<b>84</b>	<b>3</b>	<b>—</b>	<b>50</b>	<b>2</b>	<b>—</b>	<b>—</b>	<b>139</b>
<b>Total (%)</b>	<b>60.4</b>	<b>2.2</b>	<b>—</b>	<b>36.0</b>	<b>1.4</b>	<b>—</b>	<b>—</b>	<b>100.0</b>

*Note:* No veto system operates in Victoria.

*Source:* AIHW Adoptions Australia data collection.

**Table 3.17: Number of vetoes in place as at 30 June 2013, by person lodging veto, for selected states and territories<sup>(a)</sup>**

Person lodging the veto <sup>(a)</sup>	NSW <sup>(b)(c)</sup>	Qld <sup>(b)(c)(d)</sup>	WA <sup>(e)</sup>	SA <sup>(b)</sup>	Tas <sup>(c)</sup>	ACT <sup>(f)</sup>	NT <sup>(b)</sup>	Total	Total (%)
<b>Contact vetoes</b>									
Adopted person	2,369	1,731	264	..	108	48	..	4,520	54.4
Adoptive mother	..	..	218	..	1	15	..	234	2.8
Adoptive father	..	..	176	..	3	14	..	193	2.3
Birth mother	1,804	1,253	159	..	25	22	..	3,263	39.3
Birth father	53	11	14	..	1	4	..	83	1.0
Other birth relative(s)	..	—	3	..	4	3	..	10	0.1
Other adoptive relative(s)	..	—	1	..	—	—	..	1	—
<b>Total</b>	<b>4,226</b>	<b>2,996</b>	<b>835</b>	<b>..</b>	<b>142</b>	<b>106</b>	<b>..</b>	<b>8,305</b>	<b>100.0</b>
<b>Identifying information vetoes</b>									
Adopted person	..	..	..	222	..	..	1	223	56.7
Adoptive mother	..	..	..	16	..	..	..	16	4.1
Adoptive father	..	..	..	8	..	..	..	8	2.0
Birth mother	..	..	..	140	..	..	1	141	35.9
Birth father	..	..	..	5	..	..	—	5	1.3
Other birth relative(s)	..	..	..	—	..	..	..	—	—
Other adoptive relative(s)	..	..	..	—	..	..	..	—	—
<b>Total</b>	<b>..</b>	<b>..</b>	<b>..</b>	<b>391</b>	<b>..</b>	<b>..</b>	<b>2</b>	<b>393</b>	<b>100.0</b>

(a) Data for Victoria are not included in the table because 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 and these vetoes may only be lodged in relation to an adoption that occurred before 26 October 1990. In Queensland, a contact statement requesting no contact can be lodged by birth parents and adopted people and it is an offence to contact a person who has lodged a contact statement if the adoption order was made before June 1991. In South Australia, only adopted persons, birth parents and adoptive parents can lodge an identifying information veto and these vetoes may be lodged only in relation to adoptions that occurred before 17 August 1989. In the Northern Territory, only the adopted person and birth parent(s) are able to lodge vetoes with respect to adoptions finalised before 1994. The legislation in the Northern Territory does not separate a veto for contact and information—a veto restricts both contact and information from being released. These are listed under identifying information vetoes.

(c) The release of identifying information cannot be vetoed in New South Wales or Tasmania. In Queensland, the release of identifying information cannot be vetoed; however, the Childrens Court can make an order preventing the release of information where there is an unacceptable risk that the release of information would put the safety of another person at risk.

(d) In Queensland, since 1 February 2010, the *Adoption Act 2009 (Qld)* has allowed for a person to lodge a contact statement specifying how they wish contact to occur as well as specifying no contact. Of the total in 2012–13, 126 are contact statements specifying how contact is to occur: 32 from birth mothers, 4 from birth fathers and 90 from adopted persons.

(e) Amendments to the Western Australian Adoption Act in 2003 prohibit the placement, after 1 June 2003, of any new information or contact vetoes on any adoptions. However, adopted persons turning 18, where adoptive parent(s) have previously placed existing contact vetoes on the adoptee's behalf, have 12 months in which to request the continuation of the current veto. All existing information vetoes became ineffective on 1 June 2005.

(f) In the Australian Capital Territory, vetoes cannot be lodged in respect of adoption orders made after 22 April 2010. Before this date, the release of identifying information could not be vetoed in the Australian Capital Territory.

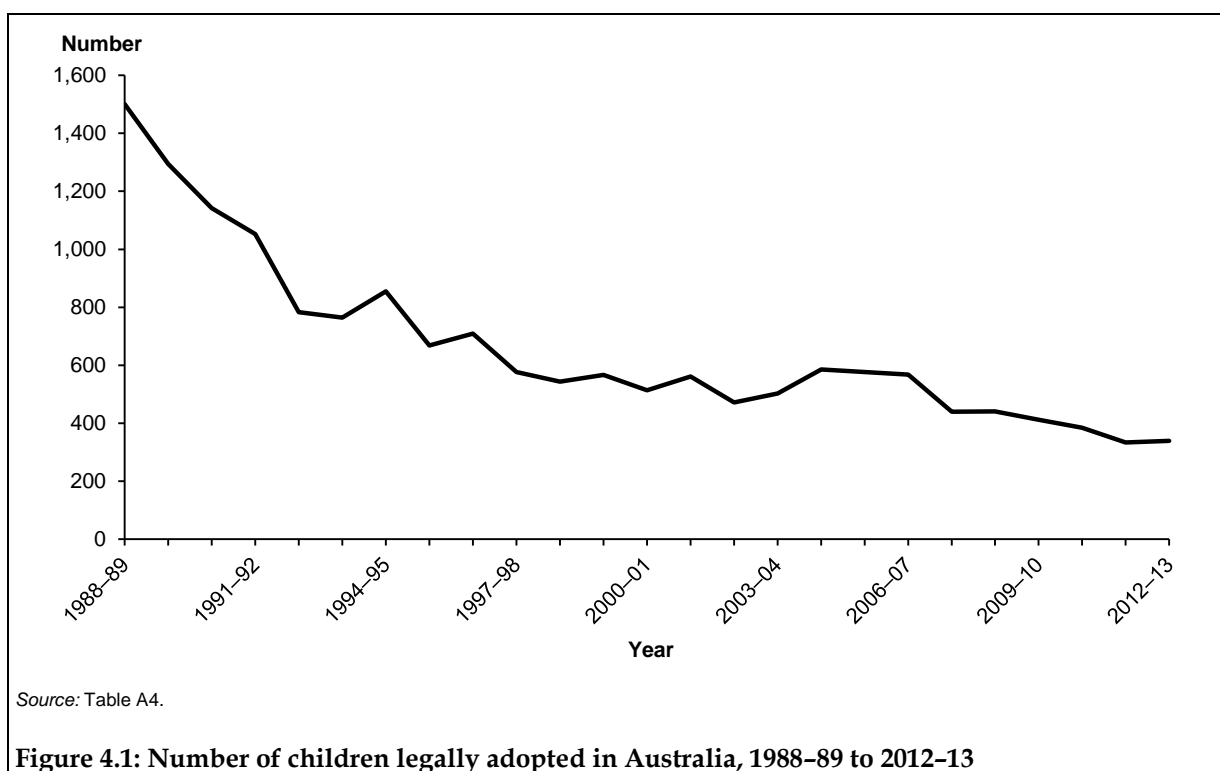
Note: Percentages may not add to 100 because of rounding.

Source: AIHW Adoptions Australia data collection.

## 4 Trends in adoptions in Australia

This chapter provides information on trends in adoptions in Australia, dating as far back as 1988–89. Due to the small size of the adoptions population, trend analysis over longer periods of time, such as those included in this chapter (for example, 10 and 25 years), provides relatively more robust and meaningful results than analyses of shorter time periods.

The number of annual adoptions in Australia has fallen substantially over the last 25 years. In 1988–89 there were 1,501 finalised adoptions; by 2003–04, this had fallen to 502. In 2012–13, there were only 339 finalised adoptions – a 77% decline since 1988–89 and a 32% decline over the last decade. The 2012–13 figure is slightly higher than the 2011–12 figure of 333 adoptions, which was the lowest annual number of finalised adoptions recorded since national data have been collated (Table A4; Figure 4.1).



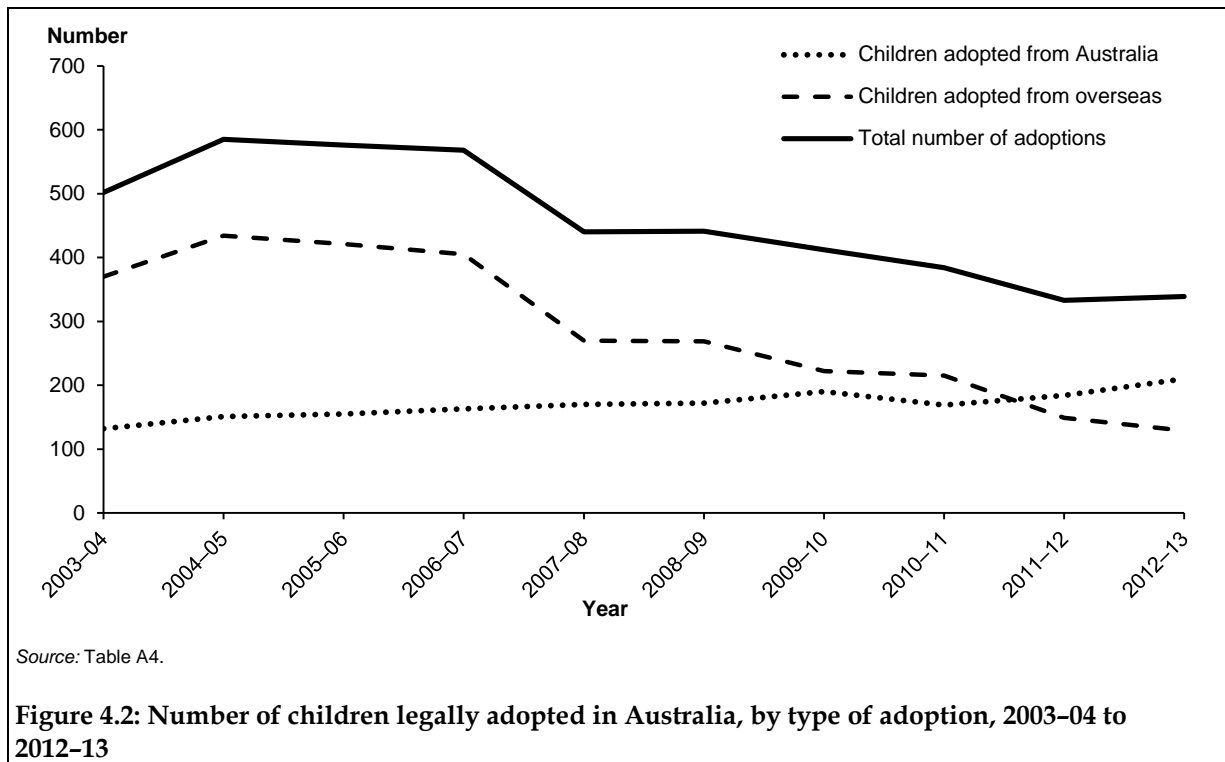
The fall in the number of adoptions of Australian children (comprising local and known child adoptions) can be attributed to a number of changes that have occurred over time. Legislative changes introduced by state and territory departments over the last two decades, facilitating a greater use of alternative legal orders, have contributed to the decline. 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 with whom the child is currently living), often replacing the need for adoption (Appendix B.1). However, as noted in Section 3.4, where reunification is not considered an option, there is a growing preference for adoption as a means of creating stability for children under the long-term care of state and territory child protection services. In 2012–13, this contributed to the highest number of carer adoptions on record (81, or 52% of known child adoptions) (Table A22).

Further, changing views within society have reduced the number of children for whom adoption is considered appropriate. Adoption used to be regarded as a solution to illegitimate babies, the risk of impoverishment for single mothers, and the needs of infertile couples. A high degree of secrecy characterised past practices, based on the notion that, among other things, those involved needed to be protected from the social stigma of illegitimacy (Kenny et al. 2012). However, over the last 4 decades, there has been increasing social acceptance of raising children outside registered marriage and increased levels of support available to lone parents (Kenny et al. 2012). These changes have reduced the pressure on unmarried women to give up their children for adoption. The secrecy that surrounded past adoptions has also given way to a system predominantly characterised by the open exchange of information (see Section 3.5 for more details).

Broader social trends, such as declining fertility rates, the wider availability of effective birth control and the emergence of family planning centres (ABS 2010), are also likely to have contributed to a reduction in the number of Australian children requiring adoption.

While the long-term fall is more notable for the number of Australian children adopted (an 81% decline from 1,106 in 1988–88 to 210 in 2012–13), the 129 intercountry adoptions finalised in 2012–13 continued an 8-year pattern of decline in intercountry adoption numbers (this resulted in an overall decline of 67% from the 394 such adoptions in 1988–89). In 2012–13, more Australian children had their adoption order finalised than children from overseas (excluding expatriate adoptions) (62% and 38%, respectively). This phenomenon continued from 2011–12 (55%), which this was the first time this had occurred since 1998–99 (Table A4; Figure 4.2).

Factors contributing to the decline in intercountry adoptions include economic and social changes that allow children to remain with their birth family or be adopted in their country of origin. This results in a reduction in the number of children in need of intercountry adoption and has led to countries of origin employing strategies to reduce or manage the number of adoption applications they receive; for example, by introducing more stringent eligibility requirements, or quotas.



Between 2007-08 and 2012-13, the rate of those aged 0-17 who were the subject of a finalised adoption during the given year fell from about 9 per 100,000 to 6 per 100,000, which is the lowest rate on record (Table 4.1).

**Table 4.1: Number and rate of adoptions of children aged 0-17, 2007-08 to 2012-13**

Year	Number of adoptions (0-17) <sup>(a)</sup>	Adoptions per 100,000 <sup>(b)</sup>
2007-08	426	8.6
2008-09	431	8.6
2009-10	398	7.8
2010-11	358	7.0
2011-12	315	6.2
2012-13	313	6.0

(a) Number of adoptions excludes finalised adoptions of adoptees aged 18 and over.

(b) Rate based on ABS estimated resident population aged 0-17 at 31 December 2012.

Source: AIHW Adoptions Australia data collection; AIHW analysis of ABS 2012a unpublished estimates.

## 4.1 Trends in categories of adoptions

### Adoption of Australian children

Between 1988-89 and 2012-13, the number of finalised annual adoptions of Australian children fell overall from 1,106 to 210 – an 81% decline (Table A4). Although changes to the adoption categories in 1998-99 limit the amount of trend data available for local and known

child adoptions, it is possible to explore trends for adoptions by both relatives and non-relatives over a longer period.

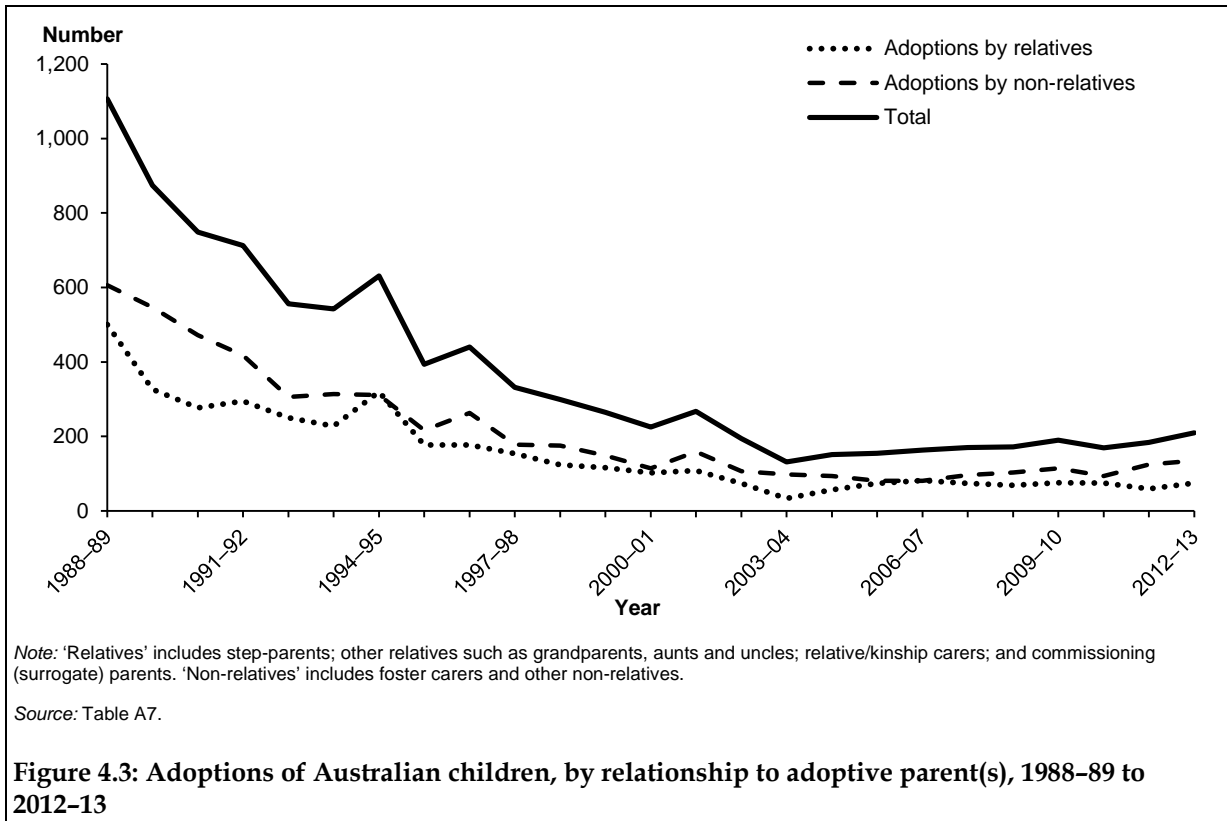
While the numbers of Australian children adopted by relatives and non-relatives have decreased overall since 1988–89 (86% and 77%, respectively), there have been some fluctuations since the mid-1990s. For example, the number of Australian children adopted declined from 440 finalised adoptions in 1996–97 to 132 in 2003–04, but subsequently increased annually to 190 in 2009–10 and reached 210 in 2012–13 (Table A7; Figure 4.3). The increase since 2003–04 was due to increases in New South Wales (from 49 to 121), Queensland (from 16 to 23) and Western Australia (from 15 to 32); numbers decreased or remained fairly stable in the remaining states and territories during this time (tables A5 and A6).

The number of adoptions by non-relatives (such as carers) over the last decade increased by 41%, from 98 adoptions finalised in 2003–04 to 138 in 2012–13. In comparison, adoptions by relatives finalised during this time fluctuated between 34 and 76 (72 in 2012–13) (Table A7). However, this trend was observed only in New South Wales, where adoptions by non-relatives more than doubled (from 35 in 2003–04 to 94 in 2012–13). In contrast, numbers decreased or remained stable in all other states and territories (Adoptions Australia data collection).

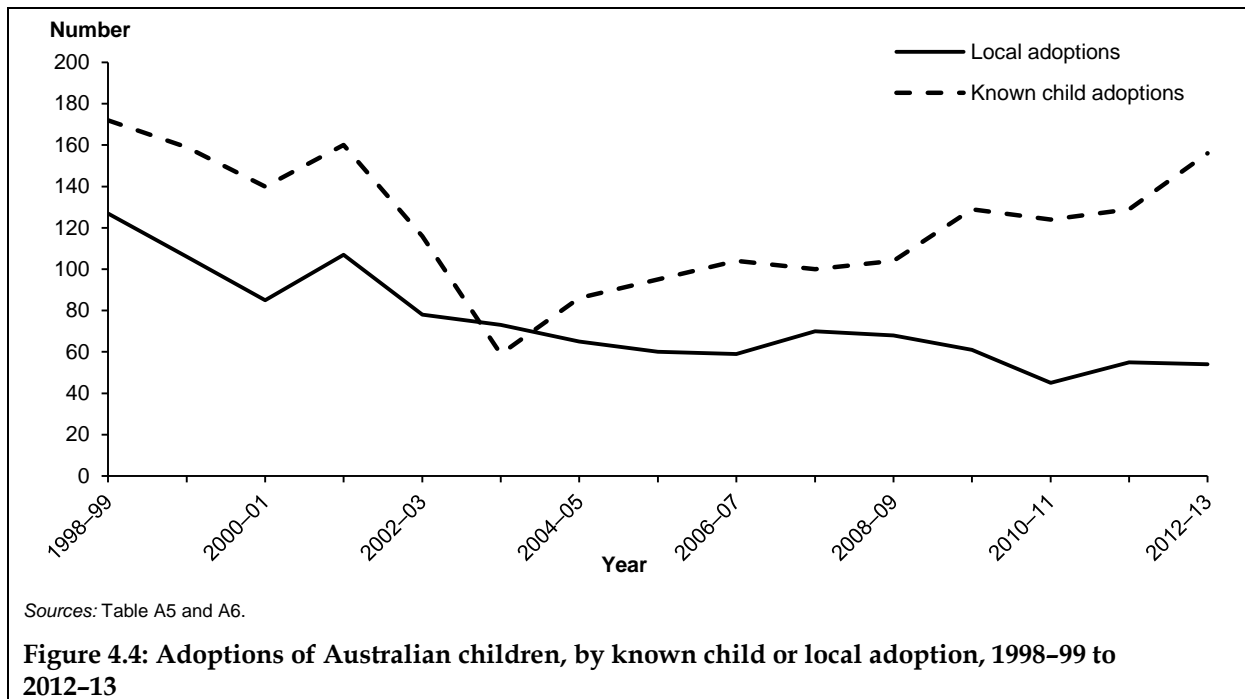
The number of known adoptions by carers such as foster parents also increased notably over the last 10 years—from 25 in 2003–04 to 81 in 2012–13. At the same time, the overall number of adoptions decreased, leading to a substantial increase in the proportion of adoptions by carers (from 5% of all adoptions in 2003–04 to 24% in 2012–13) (tables A1 and A22). This is likely to be related to the increasing preference placed on adoption to help achieve stability for children in long-term out-of-home care (see Section 3.4 for more details). Again, this increase can be primarily attributed to an increase in New South Wales—from 11 carer adoptions in 2003–04 to 78 in 2012–13 (Adoptions Australia data collection).

Non-relative adoption has generally remained the more common of the two forms of adoption over the last 25 years (Table A7; Figure 4.3). This trend is likely to reflect the fact that, with the exception of step-parent adoption, most states and territories have policies that promote the use of parental responsibility orders rather than adoption in circumstances where a child is to be permanently cared for by a relative (for example, the use of permanent care and guardianship/custody orders).





The number of finalised local and known adoptions has fluctuated over time, but decreased overall since 1998-99 – from 127 to 54, and from 172 to 156, respectively. Notably, while the number of known adoptions had fallen to 59 by 2003-04, since then it has more than doubled, reaching 156 in 2012-13 (Figure 4.4; tables A5 and A6).



## **Adoption of overseas children**

In Australia, between 1999–00 and 2010–11, there were more intercountry adoptions finalised each year than adoptions of children from Australia (local and known adoptions combined). Between 1999–00 and 2003–04, the proportion of adoptions that were children from overseas increased from 53% to 74%. However, after this period, the proportion steadily decreased, to less than two-fifths (38%) in 2012–13. This is similar to the proportions that were observed between 1988–89 and 1998–99, when a greater number of children were adopted from Australia than overseas (Table A4).

In the last decade, 288 children were, on average, the subject of a finalised intercountry adoption each year. At less than half this average, the 129 intercountry adoptions finalised in 2012–13 represented the eighth year of decline in annual numbers and the lowest number of such adoptions during the period. This long-term decline occurred in all states and territories, although there were small increases in the most recent year for Queensland, Western Australia, Tasmania and the Northern Territory (Table A9).

The change in the number of intercountry adoptions can, at least in part, be attributed to variations in the intercountry programs operating each year and to changes in adoption practices in countries of origin. Some countries of origin have introduced restrictions on the number of applications they will accept to help manage the large numbers of applications on their waiting lists. In June 2013, Colombia introduced a hold on accepting new applications for children aged between 0 and 6 (except applications to adopt a child with special needs). Thailand and the Philippines continue to maintain quota systems to regulate the number of adoption applications they receive. South Korea has been deliberately reducing the number of exit permits for children approved for intercountry adoption, giving preference to local options (AGD 2013a).

Caution should be used when interpreting the data for the Ethiopian program as a range of factors, including a suspension of all adoptions between 2009 and early 2010, may affect the number of adoptions finalised in recent years. Additionally, the then Attorney-General announced the closure of the Ethiopia–Australia Intercountry Adoption Program on 28 June 2012. The program was closed in response to the specific circumstances of the Ethiopian adoption environment, as well as to the program’s unique operational requirements. While children adopted through the program before this date continue to have their adoptions finalised in Australia as per standard practice, the closure of the program will affect the number of adoption finalisations from Ethiopia in coming years.

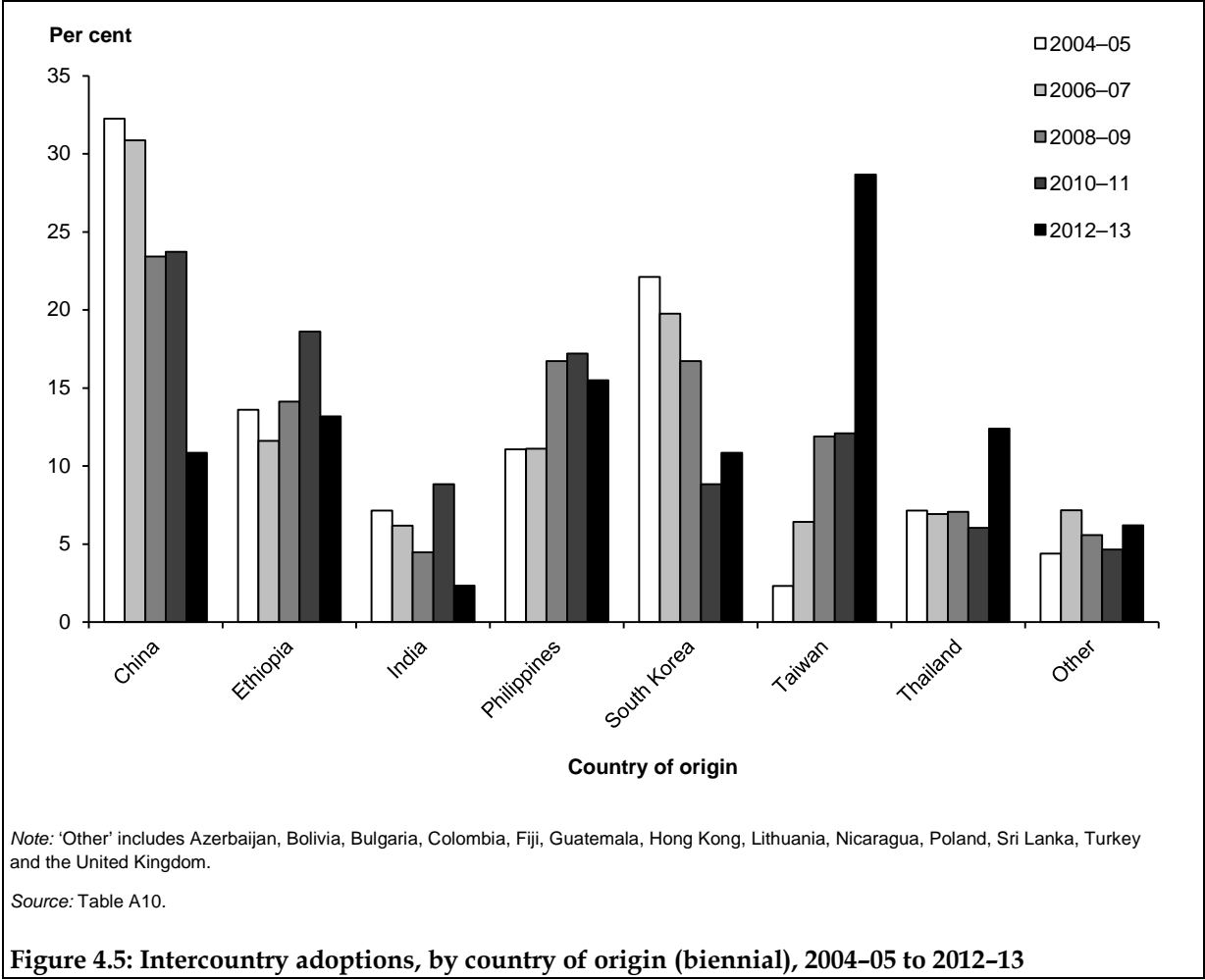
The AGD website provides additional information on changes to intercountry programs (AGD 2013a).

## **Countries of origin**

In accordance with the changes noted above, the number and proportions of finalised intercountry adoptions that can be attributed to particular countries of origin each year have fluctuated. The main countries of origin tend to shift every few years. For example, the main countries of origin were China and South Korea between 2003–04 and 2008–09; various combinations of the Philippines, Ethiopia, China and South Korea from 2008–09 to 2011–12; and finally Taiwan and the Philippines in 2012–13 (Table A10).

Over the past decade, the proportion of adoptions from China and South Korea has generally declined. In contrast, the proportions from the Philippines and Taiwan have increased and the proportions from other countries, such as Ethiopia, India and Thailand,

have fluctuated (Table A10; Figure 4.5). Factors such as the 2010 hold on sending new adoption applications to India and the suspension of the Ethiopia program between 2009 and early 2010 (and its closure in 2012) are likely to have contributed to the fluctuations in numbers for these programs. However, caution should be used in interpreting these data, given that adoptions are currently finalised in Australia for Ethiopia and were previously finalised in Australia for India. This may mean the adoption is not finalised until a number of years after the child arrives in Australia.



**Figure 4.5: Intercountry adoptions, by country of origin (biennial), 2004-05 to 2012-13**

Although the majority of intercountry adoptions have consistently been from Asia, there have been considerable changes in the proportion of children adopted from Africa and South/Central America (Figure 4.6).

Despite the number of finalised adoptions from Ethiopia falling to a 15-year low in 2012-13 (Table A10), children from Africa still made up 13% of all intercountry adoptions finalised in 2012-13 – up from less than 1% in 1990-91 (Table A8; Figure 4.6). This change can be directly attributed to the increase in adoptions from Ethiopia during this time – from less than 5 adoptions per year before 1995-96, to a peak of 70 adoptions in 2005-06 (AIHW 2004; Table A10).

In contrast, the proportion of children adopted from South/Central American countries has declined since the early 1990s – from 26% of all intercountry adoptions in 1992-93 to 3% in 2012-13 (Table A8; Figure 4.6). This is largely due to a decrease in children adopted from

Colombia between 1995–96 and 2012–13, from 15% of all intercountry adoptions to 2%. This reflects efforts by Colombia to give local adoption a higher priority since becoming a signatory to the Hague Convention in 1998 (AIHW 2004; AIHW Adoptions Australia data collection).

Adoptions from Romania were responsible for the increase in adoptions from 'Other' countries between 1998–99 and 2000–01. However, shortly after this period, Australia's program with Romania closed, in part due to changes in Romania's adoption law (AIHW 2009; Centre for Adoption Policy Studies 2002).

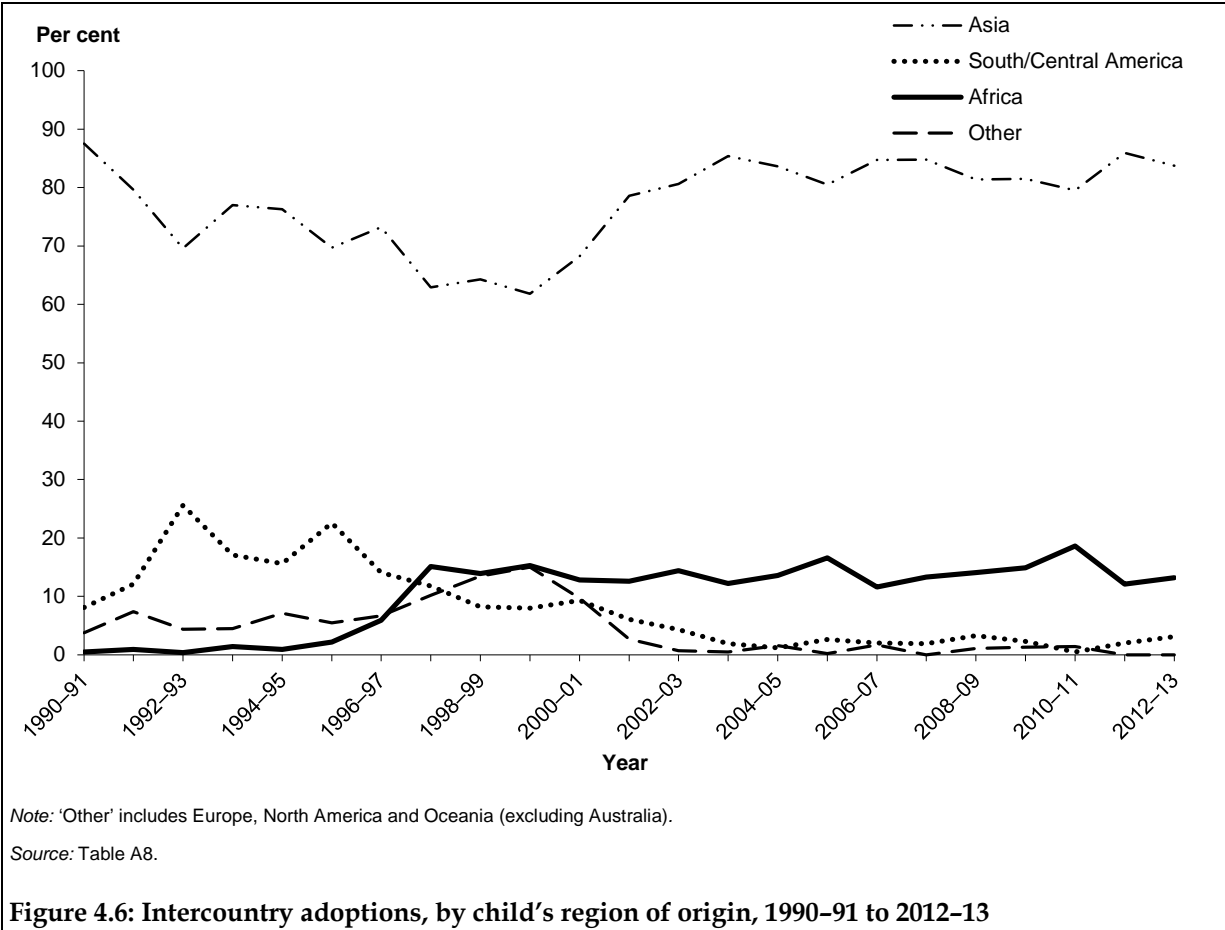


Figure 4.6: Intercountry adoptions, by child's region of origin, 1990-91 to 2012-13

**Processing times**

Despite Australian Central Authorities maintaining or improving the time taken to complete the aspects of the intercountry adoption process for which they are responsible, the median length of time from the approval of an applicant in Australia to the placement of a child has steadily increased – from 37 months in 2007–08 to 61 months in 2012–13. This includes an increase of 9% over the last 12 months (from 56 to 61 months) (Table 4.2).

The increase can be largely attributed to the increased time taken by countries of origin to allocate children after receiving files from Australia. The median length of time for this part of the adoption process increased 95% from 2007–08 to 2012–13 (from 19 to 37 months), including a substantial increase of 23% (7 months) since 2011–12.

Processing times can be affected by a number of factors, including the number and characteristics of children in need of intercountry adoption, the number of applications

received and the resources of the overseas authority – factors that are outside the control of Australian authorities.

**Table 4.2: Median length of time (in months) for the intercountry adoptions process, for children placed in 2007–08 to 2012–13<sup>(a)</sup>**

Year	From when the applicant(s) became official clients of the department to when an approval decision was made	From when an approval decision was made to when the file was sent overseas	From when the file was sent overseas to when the child was allocated	From when the child was allocated to when the child was placed	Total process <sup>(b)</sup>
2007–08	10	3	19	3	37
2008–09	11	4	18	4	42
2009–10	10	3	18	5	45
2010–11	9	3	29	4	49
2011–12	8	4	30	5	56
2012–13	9	3	37	5	61

(a) This table includes all children who were placed with their adoptive families from 2007–8 to 2012–13, by the length of time that it took for the processes before placement to be completed.

(b) Total process is the overall median length of time from when the applicant(s) became official clients of the department to when the child was placed. It may not be equal to the sum of the preceding processes due to rounding to the nearest whole month and because of the nature of median calculations.

Source: AIHW Adoptions Australia data collection.

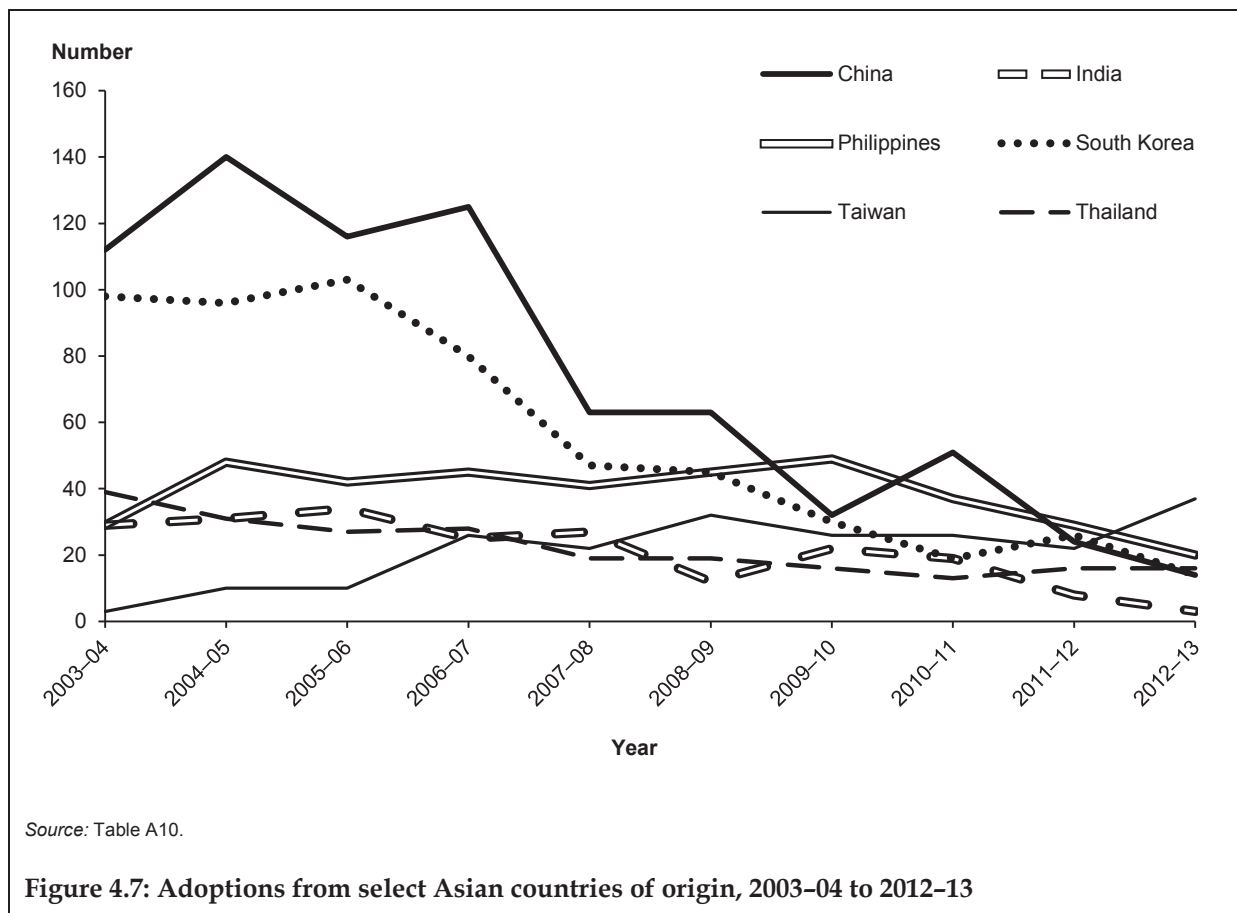
## Asian countries of origin

There have 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, after Australia signed a bilateral agreement with China in 1999, the number of annual finalised adoptions from China increased from 15 in 2000–01 to 140 in 2004–05 (AIHW 2010b). With the exception of 2009–10, China was the leading country of origin between 2003–04 and 2010–11. However, like South Korea, it has introduced more stringent regulations for foreign adoptions, and put greater emphasis on local adoption solutions in an effort to find permanent homes for children in its own country. As a result, the number of children adopted from China has declined in recent years. Since the 2004–05 peak of 140 finalised adoptions, numbers have fallen to 14 in 2012–13. During the same period, the number of adoptions from South Korea fell from 96 to 14 (Table A10; Figure 4.7).

In 2012–13, Taiwan was the leading country of origin for the first time (replacing the Philippines, which had the largest number in 2011–12), with 37 adoptions (29% of all intercountry adoptions). Aside from a small increase for Hong Kong (from 2 to 4 adoptions), Taiwan was the only Asian country of origin that recorded an increase in adoptions from the previous year. The number of adoptions from Taiwan increased from 3 in 2003–04 to 26 in 2006–07, and then remained relatively stable, before increasing 68% from 22 in 2011–12, to 37 in 2012–13 (Table A10; Figure 4.7). Accordingly, the proportion of annual adoptions from Taiwan has increased almost five-fold, from 6% of finalised intercountry adoptions in 2006–07 to 29% in 2012–13 (Table A10). This may be related to the fact that Taiwan has maintained a fairly constant median length of time for the intercountry adoption process over the last 5 years, while the majority of other countries have shown substantial increases (AIHW Adoptions Australia data collection). Taiwan has consistently been among the countries with the shortest median length of time for the intercountry adoption process

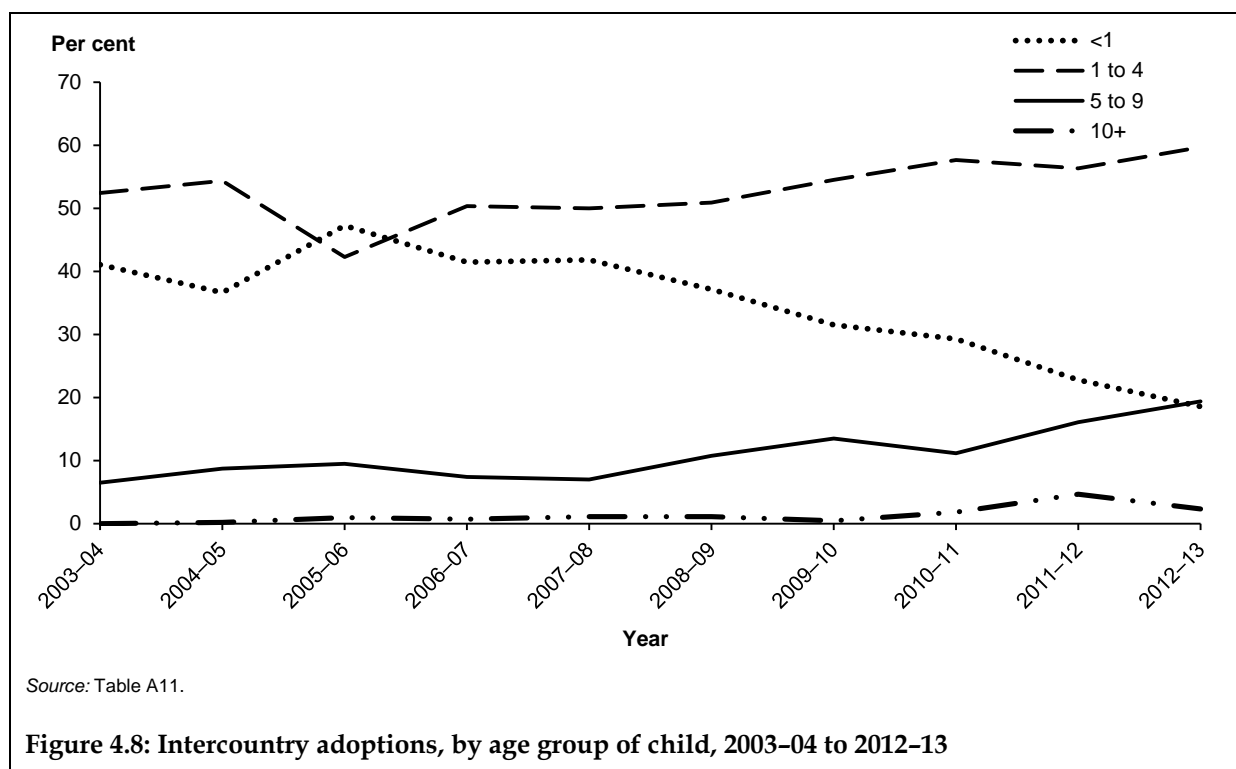
(for example, 28 months compared with 61 months for all countries in 2012–13, Table 3.4). Additionally, the high number of children aged under 12 months who are available for adoption in Taiwan may also have contributed to the large increase in annual adoptions from this country, as many prospective parents prefer to adopt younger children, as noted in Section 2.4.

Adoptions from India have fluctuated but generally declined – the number of finalised adoptions fell from 29 in 2003–04 to 3 in 2012–13. In contrast, the number of adoptions from the Philippines increased rapidly between 2003–04 and 2004–05 (from 29 to 48, respectively), and remained relatively stable until numbers fell from 49 in 2009–10 to 20 finalised adoptions in 2012–13 (Table A10; Figure 4.7).



### Infants

The proportion of infants under 12 months adopted from overseas has been declining since 2005–06 – from 47% to 19% in 2012–13 (Table A11; Figure 4.8). A number of factors contribute to this trend. For example, the number of infants for whom intercountry adoption is considered appropriate can be affected by changing overseas domestic adoption practices and the degree of acceptance of single motherhood in countries of origin. Further, falling fertility rates in key countries of origin, such as South Korea, are likely to affect the number of infants in need of intercountry adoption (Kenny et al. 2012; Selman 2009).



**Figure 4.8: Intercountry adoptions, by age group of child, 2003-04 to 2012-13**

### Living arrangements of overseas adoptees 12 months later

All intercountry children who were placed with adoptive parents in 2012-13 (excluding those placed in Western Australia for whom data were not available) were still in the same living arrangements 12 months later. That is, all intercountry adoptees were still residing with their adoptive families, and the parental structures of those families were unchanged – indicating that adoption disruption did not occur for any of the 2011-12 placements (AIHW Adoptions Australia data collection). As data capture only changes that occurred for intercountry adoptees and only during the 12 months after they were placed with their adoptive families, this should be interpreted only as an approximate measure of the incidence of adoption disruption.

## 4.2 Adoption of Aboriginal and Torres Strait Islander children

The Aboriginal and Torres Strait Islander Child Placement Principle outlines a preference for placing Aboriginal and Torres Strait Islander children with Indigenous people when the children are placed outside their family (Lock 1997). This preference is applied in adoption cases where such a placement is in the best interests of the child. The Placement Principle has the following order of preference for placing 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. All states and territories have adopted the Placement Principle in policy and practice. In Western Australia and Victoria, legislation permits the birth parents to specify the type of adoptive family they would like for their child.

The number of Aboriginal and Torres Strait Islander children who are adopted each year is small. In 2012–13, there were 5 adoptions of an Aboriginal and Torres Strait Islander child finalised in Australia (Table 4.3). Three (3) of these adoptions were known child adoptions and 2 were local adoptions (AIHW Adoptions Australia data collection), with only 1 by Indigenous parents. Due to the small number of these adoptions each year, it is difficult to identify trends in the number of adoptions of Aboriginal and Torres Strait Islander children. In the last decade, 56% of the Aboriginal and Torres Strait Islander children who were the subject of a finalised adoption in Australia were adopted by parents who identified as Indigenous Australians (Table 4.3).

**Table 4.3: Number of Indigenous children adopted, by Indigenous status of adoptive parent(s), 2002–03 to 2012–13**

Year	Indigenous status of adoptive parent(s)		Total
	Indigenous Australian	Other Australian	
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
2008–09	5	—	5
2009–10	2	1	3
2010–11	—	1	1
2011–12	3	6	9
2012–13	1	4	5
<b>Total</b>	<b>24</b>	<b>19</b>	<b>43</b>
<b>Per cent</b>	<b>55.8</b>	<b>44.2</b>	<b>100.0</b>

*Notes*

1. 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 both parents was not known, the adoption was included in the 'Other Australian' category.
2. Indigenous status of children and adoptive parent(s) is not always available for adoptions of adults.

Source: AIHW Adoptions Australia data collection.

### 4.3 Permanent care orders (Victoria only)

Several jurisdictions have provisions for the transfer of guardianship to the long-term carers of children, providing a secure long-term placement option for children who are the subject of child protection orders.

This report contains data on permanent care orders in Victoria. These 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 2012–13, there were 267 orders granted: a 10% increase from the 243 granted in 2011–12 and a substantial increase on the 11 issued in 1992–93 (Table 4.4).

A total of 3,384 permanent care orders have been granted by the Department of Human Services (DHS) in Victoria since their inception in 1992.

**Table 4.4: Number of permanent care orders granted in Victoria, 1992–93 to 2012–13**

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
2008–09	93	103	196
2009–10	104	95	199
2010–11	101	88	189
2011–12	122	121	243
2012–13	123	144	267

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

*Source:* Victorian Government DHS.

## 5 International comparisons

The overall patterns and trends in types of adoption in Australia show some similarities to – and some differences from – those in other developed countries for which data are readily available. However, it is important to note that adoption legislation and practice may differ across countries (and even within countries) and therefore caution should be used when making comparisons.

Due to the availability of international data, not all of the data below are for the 2012–13 period. Further, the detail of the adoption data available (for example, whether it includes breakdown by type of adoption such as intercountry, or whether it includes only total adoptions numbers) for individual countries varies markedly. Therefore, different countries have been used for comparisons with Australia for different aspects of adoption data and periods of time, based on the availability of comparable data.

### 5.1 Total adoptions

As in Australia, the overall annual number of adoptions has generally been falling in England and Wales – the annual number of adoptions fell by 71% between 1974 and 1990, from 22,502 to 6,533 (Office for National Statistics 2013). Numbers fluctuated between 1990 and 2012, with an overall further decrease of 23%. However, the trend has reversed in recent years, with the number of adoptions in England and Wales increasing in both 2011 and 2012 (annual increases of 5% and 6%, respectively). Australia experienced a similar level of decline (81%) from 1973–74 to 1989–90 (AIHW 2011), but a much greater further decline from 1989–90 to 2012–13 (74%), with a small increase of 2% in the most recent year (Table A1).

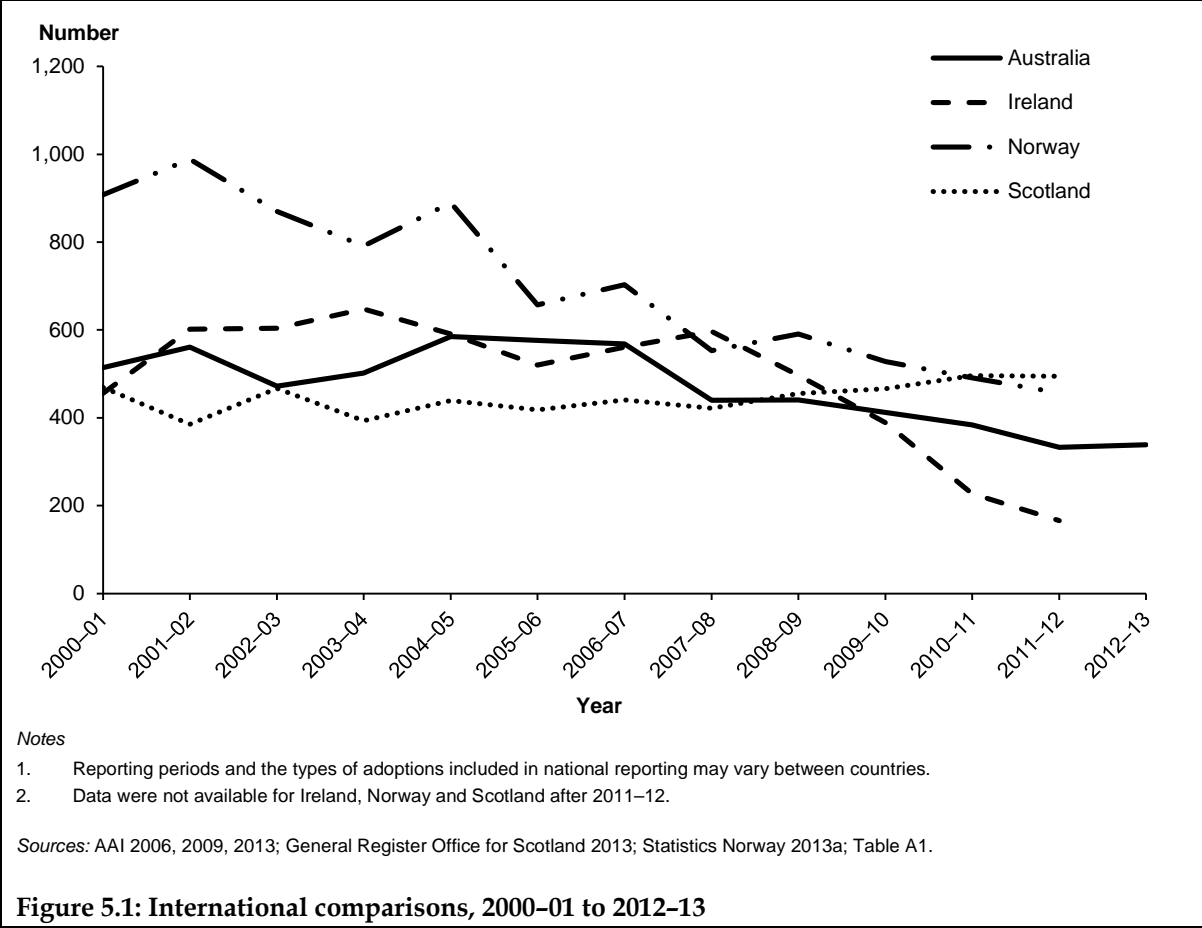
The number of adoptions has also fallen overall in Ireland, Scotland, Norway and Switzerland; the decline in these countries, though, has been more gradual (aside from a 42% decline in Ireland from 2010 to 2011, due in part to procedural changes that lead to administrative delays and a lower number of finalised domestic adoptions) (AAI 2013; General Register Office for Scotland 2013; Statistics Norway 2013a; Swiss Federal Statistics Office 2013).

Despite having about 4 to 5 times the population of each of Scotland, Norway and Ireland, the number of annual adoptions in Australia is not necessarily larger. Since the early 1990s, the number of annual adoptions in Scotland and Australia has been similar. However, after previously having slightly lower numbers, Scotland overtook Australia in 2009 (455 compared with 441 for Australia in 2008–09). The difference increased further over time as numbers increased in Scotland – to 495 in 2012 – and decreased in Australia – to 333 in 2011–12 (Figure 5.1; General Register Office for Scotland 2013; Table A1).

In Norway, the number of adoptions has fluctuated since the mid-1980s with a gradual decline occurring after 2007. With Australian numbers steadily declining, the number of adoptions each year has been higher in Norway than in Australia since the mid-1990s (Figure 5.1; Statistics Norway 2013a; Table A1).

In contrast, the difference in the number of annual adoptions in Australia and Ireland has varied (Note that the data for Ireland have been revised since they were first published by the AIHW in *Adoptions Australia 2010–11* (AIHW 2011)). For example, Ireland recorded more adoptions than Australia in 2008 (597, compared with 440 for Australia in 2007–08).

However, Australia recorded a much higher number of adoptions in 2011-12 (333, compared with 166 for Ireland in 2012), following the abnormally low number of domestic adoptions in Ireland during that year (49); this is likely due to the administrative delays mentioned previously (AAI 2013; Figure 5.1; Table A1).



The variations between the four countries could be influenced by a variety of factors, including differing levels of social acceptance towards adoption in each country, differences in local adoption practices and legislation, differences in overseas partner countries, and differences in national reporting practices.

## 5.2 Intercountry adoptions

In a longitudinal study of 22 countries of destination, Selman (2009) estimated that the global number of intercountry adoptions grew by around 18% between 1998 and 2007, with a global peak of 45,288 in 2004. The largest increases occurred in Spain and Italy. Over this period, the number of children adopted from some key countries of origin declined (such as China, South Korea and Russia), while numbers from other countries increased (particularly Guatemala, Ethiopia and Vietnam) (Selman 2009).

Another more recent study of global trends in intercountry adoption indicates that, since the peak in 2004, numbers have been declining – falling by 36% between 2004 and 2010 (Selman 2012). This trend was consistent across most countries; however, there were some exceptions – numbers increased in Canada and Italy to 2009 (and continued to increase to

2010 in Italy) (Selman 2012). While the United States had previously received about half of all international adoptions since the mid-1980s, from 2009, more children were adopted in European countries than in the United States (Selman 2012).

More specifically, the annual number of intercountry adoptions fell substantially in the United States and Norway between 2004 and 2012—by 62% (from 22,991 to 8,668) and 65% (from 652 to 231), respectively (Statistics Norway 2013; US DoS 2013). During the same period, Australian intercountry adoptions fell by 60% (from 370 in 2003–04 to 149 in 2011–12) (Table A9). The number of intercountry adoptions in Switzerland decreased by 17% between 2008 and 2012 (from 383 to 328; data were not available for before 2008) (Swiss Federal Statistics Office 2013), and decreased by 44% in New Zealand between 2005 and 2009 (from 32 to 18; data were not available outside this period) (HCCH 2011). In contrast, the annual number of intercountry adoptions in Canada increased by 9% between 2004 and 2009, but declined 8% from 2009 to 2010, to return to a similar number to that of 2004 (Hilborn 2011).

The proportion of adoptions in Australia that were intercountry adoptions (45% in 2011–12) was lower than in Norway (51% in 2012), Ireland (70% in 2012) and Switzerland (64% in 2012) but much higher than in New Zealand (9% in 2009) (AAI 2013; Figure 3.1; HCCH 2011; Statistics Norway 2013a; Swiss Federal Statistics Office 2013).

Although the greatest number of annual adoptees internationally has consistently come from China, the highest rates of young people placed for adoption are found elsewhere. In 2009 (most recent data), the countries with the highest rates of adoptees were Latvia (6.1 per 1,000 live births), Haiti (4.5 per 1,000) and Bulgaria (3.5 per 1,000) (Selman 2012).

In 2008–09, Australia was similar to Norway and the United States in that China and South Korea were among the top four countries of origin. However, in more recent years, Norway and the United States reported a higher proportion of intercountry adoptions from China (including Hong Kong): 31% for the United States in 2013 and 22% for Norway in 2012, compared with 16% for Australia in 2011–12 (Statistics Norway 2013b; Table A10; US DoS 2013).

# Appendix A Statistical tables

Table A1: Number of children legally adopted, by state and territory, 1988–89 to 2012–13

Year	NSW <sup>(a)</sup>	Vic	Qld <sup>(b)</sup>	WA	SA	Tas	ACT <sup>(b)</sup>	NT	Australia
1988–89	335	288	353	147	221	85	47	25	<b>1,501</b>
1989–90	360	212	278	128	174	71	50	21	<b>1,294</b>
1990–91	329	258	210	136	103	61	25	20	<b>1,142</b>
1991–92	310	185	232	120	112	58	23	12	<b>1,052</b>
1992–93	209	101	222	87	111	23	20	10	<b>783</b>
1993–94	188	112	206	85	106	37	21	9	<b>764</b>
1994–95	260	145	179	127	108	12	18	6	<b>855</b>
1995–96	204	131	170	75	48	17	19	4	<b>668</b>
1996–97	263	123	129	56	79	30	26	3	<b>709</b>
1997–98	200	114	111	69	48	19	15	1	<b>577</b>
1998–99	185	102	94	64	53	25	16	6	<b>543</b>
1999–00	154	122	105	79	59	19	24	4	<b>566</b>
2000–01	166	98	62	74	53	24	27	10	<b>514</b>
2001–02	207	110	49	79	62	20	23	11	<b>561</b>
2002–03	122	82	67	76	72	21	25	7	<b>472</b>
2003–04	115	120	65	59	79	26	33	5	<b>502</b>
2004–05	154	161	84	49	77	23	20	17	<b>585</b>
2005–06	149	131	82	62	72	35	30	15	<b>576</b>
2006–07	164	127	91	65	62	26	22	11	<b>568</b>
2007–08	125	98	86	41	36	31	14	9	<b>440</b>
2008–09	155	71	92	43	35	23	13	9	<b>441</b>
2009–10	157	81	68	50	26	9	16	5	<b>412</b>
2010–11 <sup>(c)</sup>	165	86	40	37	30	14	11	1	<b>384</b>
2011–12	150	72	33	26	24	6	11	11	<b>333</b>
2012–13	154	44	46	42	20	13	6	14	<b>339</b>

(a) New South Wales was unable to provide data on adoptions by step-parents from 1988–89 to 1993–94.

(b) Data for Queensland and the Australian Capital Territory for 1988–89 and 1998–99 may differ from those in previous reports because of updated figures.

(c) Interim adoption orders made by the Childrens Court in Queensland are not captured in this data set. Under Queensland's Adoption Act, which took effect in February 2010, a final adoption order is normally made at the successful completion of a supervised interim order that is completed over a 12-month period. This requirement has affected final adoption orders made in Queensland in 2010–11.

Source: AIHW Adoptions Australia data collection.

**Table A2: Placement adoptions – number of children who were placed for adoption, regardless of whether the adoption order was finalised, by state and territory, 2012–13**

Type of adoption	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Australia
Local placement	9	1	10	6	1	1	—	—	28
Intercountry placement									
Hague adoption	20	8	3	7	6	3	2	2	51
Non-Hague adoption	10	3	5	3	—	2	—	2	25
<b>Total</b>	<b>39</b>	<b>12</b>	<b>18</b>	<b>16</b>	<b>7</b>	<b>6</b>	<b>2</b>	<b>4</b>	<b>104</b>

*Note:* This table includes children placed with their adoptive families before their adoption order was finalised. 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 2012–13 may relate to children who were placed in the previous year. Therefore, numbers do not add to the total adoptions recorded during 2012–13 (183 local and intercountry adoptions).

*Source:* AIHW Adoptions Australia data collection.

**Table A3: Adoptions, by type of adoption, by age group and sex of child, 2012–13**

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	10	14	24	15	11	26	1	—	1	26	25	51
1–4	49	28	77	17	11	28	12	5	17	78	44	122
5–9	18	7	25	—	—	—	30	19	49	48	26	74
10–14	1	—	1	—	—	—	15	30	45	16	30	46
15–17	—	—	—	—	—	—	8	12	20	8	12	20
18+	—	2	2	—	—	—	11	13	24	11	15	26
<b>Total</b>	<b>78</b>	<b>51</b>	<b>129</b>	<b>32</b>	<b>22</b>	<b>54</b>	<b>77</b>	<b>79</b>	<b>156</b>	<b>187</b>	<b>152</b>	<b>339</b>
	<b>Per cent</b>											
Under 1	12.8	27.5	18.6	46.9	50.0	48.1	1.3	—	0.6	13.9	16.4	15.0
1–4	62.8	54.9	59.7	53.1	50.0	51.9	15.6	6.3	10.9	41.7	28.9	36.0
5–9	23.1	13.7	19.4	—	—	—	39.0	24.1	31.4	25.7	17.1	21.8
10–14	1.3	—	0.8	—	—	—	19.5	38.0	28.8	8.6	19.7	13.6
15–17	—	—	—	—	—	—	10.4	15.2	12.8	4.3	7.9	5.9
18+	—	3.9	1.6	—	—	—	14.3	16.5	15.4	5.9	9.9	7.7
<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 = males, F = females, 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, 1988–89 to 2012–13**

Year	Children adopted from Australia		Children adopted from overseas		Total <sup>(a)</sup>	
	Number	Per cent	Number	Per cent	Number	Per cent
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
2007–08	170	38.6	270	61.4	440	100.0
2008–09	172	39.0	269	61.0	441	100.0
2009–10	190	46.0	222	54.0	412	100.0
2010–11	169	44.0	215	56.0	384	100.0
2011–12	184	55.3	149	44.7	333	100.0
2012–13	210	61.9	129	38.1	339	100.0

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

Note: New South Wales was unable to provide data on adoptions by step-parents from 1988–89 to 1993–94.

Sources: AIHW Adoptions Australia data collection.

**Table A5: Number of local adoptions, by state and territory, 1998–99 to 2012–13**

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
2007–08	15	27	17	3	1	3	3	1	70
2008–09	20	18	20	7	1	1	1	—	68
2009–10	13	18	10	12	2	2	2	2	61
2010–11 <sup>(a)</sup>	14	23	1	4	2	—	1	—	45
2011–12	13	28	7	3	—	2	1	1	55
2012–13	13	17	13	6	2	2	—	1	54

(a) Interim adoption orders made by the Childrens Court in Queensland are not captured in this data set. Under Queensland's Adoption Act, which took effect in February 2010, a final adoption order is normally made at the successful completion of a supervised interim order that is completed over a 12-month period. This requirement has affected final adoption orders made in Queensland in 2010–11.

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

Source: AIHW Adoptions Australia data collection.



**Table A6: Number of known child adoptions, by state and territory, 1998–99 to 2012–13**

<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>
1998–99	78	13	36	38	2	2	2	1	<b>172</b>
1999–00	68	12	21	43	—	4	11	—	<b>159</b>
2000–01	53	10	13	48	4	5	7	—	<b>140</b>
2001–02	82	14	6	37	5	2	11	3	<b>160</b>
2002–03	39	3	15	46	1	3	9	—	<b>116</b>
2003–04	25	11	2	12	1	3	5	—	<b>59</b>
2004–05	42	13	6	16	1	3	5	—	<b>86</b>
2005–06	33	10	13	17	3	7	9	3	<b>95</b>
2006–07	40	14	16	17	1	12	3	1	<b>104</b>
2007–08	37	5	22	21	3	5	6	1	<b>100</b>
2008–09	42	5	23	22	—	5	6	1	<b>104</b>
2009–10	66	9	20	20	3	1	8	2	<b>129</b>
2010–11	81	7	4	25	2	2	3	—	<b>124</b>
2011–12	91	8	6	18	1	—	4	1	<b>129</b>
2012–13	108	4	10	26	—	3	2	3	<b>156</b>

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

*Source:* AIHW Adoptions Australia data collection.

**Table A7: Adoptions of Australian children, by relationship to adoptive parent(s), 1988–89 to 2012–13**

Year	Adopted by relatives		Adopted by non-relatives		Total <sup>(a)</sup>	
	Number	Per cent	Number	Per cent	Number	Per cent
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 <sup>(b)</sup>	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
2007–08	74	43.5	96	56.5	170	100.0
2008–09	69	40.1	103	59.9	172	100.0
2009–10	76	40.0	114	60.0	190	100.0
2010–11	75	44.4	94	55.6	169	100.0
2011–12	59	32.1	125	67.9	184	100.0
2012–13	72	34.3	138	65.7	210	100.0

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

*Notes*

1. The total number of adoptions of Australian children in 2012–13 (210) includes the sum of local adoptions (54) and known adoptions (156).
2. '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.
3. New South Wales was unable to provide data on adoptions by step-parents from 1988–89 to 1993–94.

Source: AIHW Adoptions Australia data collection.

**Table A8: Intercountry adoptions, by child's region of origin, 1990-91 to 2012-13**

	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
2007-08	229	84.8	5	1.9	36	13.3	—	—	270	100.0
2008-09	219	81.4	9	3.3	38	14.1	3	1.1	269	100.0
2009-10	181	81.5	5	2.3	33	14.9	3	1.3	222	100.0
2010-11	171	79.5	1	0.5	40	18.6	3	1.4	215	100.0
2011-12	128	85.9	3	2.0	18	12.1	—	—	149	100.0
2012-13	108	83.7	4	3.1	17	13.2	—	—	129	100.0

*Notes*

1. Percentages may not add to 100 because of rounding.
2. 'Other' includes Europe, North America and Oceania.

Source: AIHW Adoptions Australia data collection.

**Table A9: Number of intercountry adoptions, by state and territory, 1998–99 to 2012–13**

<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>
1998–99	57	59	36	20	45	12	11	4	<b>244</b>
1999–00	55	76	60	26	56	13	11	4	<b>301</b>
2000–01	85	60	40	20	44	14	18	8	<b>289</b>
2001–02	71	74	33	29	54	16	9	8	<b>294</b>
2002–03	61	59	29	24	68	15	15	7	<b>278</b>
2003–04	66	86	49	44	72	22	26	5	<b>370</b>
2004–05	88	132	65	29	74	18	12	16	<b>434</b>
2005–06	93	104	61	36	69	26	20	12	<b>421</b>
2006–07	112	95	63	40	56	11	18	10	<b>405</b>
2007–08	73	66	47	17	32	23	5	7	<b>270</b>
2008–09	93	48	49	14	34	17	6	8	<b>269</b>
2009–10	78	54	38	18	21	6	6	1	<b>222</b>
2010–11	70	56	35	8	26	12	7	1	<b>215</b>
2011–12	46	36	20	5	23	4	6	9	<b>149</b>
2012–13	33	23	23	10	18	8	4	10	<b>129</b>

*Notes*

1. Data for years before 1998–99 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, 2003–04 to 2012–13**

Country of birth	2003–04	2004–05	2005–06	2006–07	2007–08	2008–09	2009–10	2010–11	2011–12	2012–13	Total
<b>Number</b>											
China <sup>(a)</sup>	112	140	116	125	63	63	32	51	24	14	740
Ethiopia	45	59	70	47	35	38	33	40	18	17	402
India	29	31	34	25	27	12	22	19	8	3	210
Philippines	29	48	42	45	41	45	49	37	29	20	385
South Korea	98	96	103	80	47	45	30	19	26	14	558
Taiwan	3	10	10	26	22	32	26	26	22	37	214
Thailand	39	31	27	28	19	19	16	13	16	16	224
Other <sup>(b)</sup>	15	19	19	29	16	15	14	10	6	8	151
<b>Total</b>	<b>370</b>	<b>434</b>	<b>421</b>	<b>405</b>	<b>270</b>	<b>269</b>	<b>222</b>	<b>215</b>	<b>149</b>	<b>129</b>	<b>2,884</b>
<b>Per cent</b>											
China <sup>(a)</sup>	30.3	32.3	27.6	30.9	23.3	23.4	14.4	23.7	16.1	10.9	25.7
Ethiopia	12.2	13.6	16.6	11.6	13.0	14.1	14.9	18.6	12.1	13.2	13.9
India	7.8	7.1	8.1	6.2	10.0	4.5	9.9	8.8	5.4	2.3	7.3
Philippines	7.8	11.1	10.0	11.1	15.2	16.7	22.1	17.2	19.5	15.5	13.3
South Korea	26.5	22.1	24.5	19.8	17.4	16.7	13.5	8.8	17.4	10.9	19.3
Taiwan	0.8	2.3	2.4	6.4	8.1	11.9	11.7	12.1	14.8	28.7	7.4
Thailand	10.5	7.1	6.4	6.9	7.0	7.1	7.2	6.0	10.7	12.4	7.8
Other <sup>(b)</sup>	4.1	4.4	4.5	7.2	5.9	5.6	6.3	4.7	4.0	6.2	5.2
<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>

(a) Excludes Special Administrative Regions and Taiwan Province.

(b) 'Other' includes Azerbaijan, Bolivia, Bulgaria, Burundi, Colombia, Fiji, Guatemala, Hong Kong, Lithuania, Nicaragua, Peru, Poland, Sri Lanka, Turkey and the United Kingdom.

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

Source: AIHW Adoptions Australia data collection.

**Table A11: Number of intercountry adoptions, by age group and sex, 1998–99 to 2012–13**

Year	<1 year		1–4 years		5–9 years		10–14 years		15+ years		Total		
	M	F	M	F	M	F	M	F	M	F	M	F	P
1998–99	28	24	71	71	16	23	7	3	—	—	122	121	243
1999–00	60	51	65	60	24	34	2	3	1	1	152	149	301
2000–01	48	34	80	77	18	26	3	2	—	1	149	140	289
2001–02	46	43	74	76	21	25	5	3	—	1	146	148	294
2002–03	34	43	71	92	13	16	—	9	—	—	118	160	278
2003–04	85	67	56	138	10	14	—	—	—	—	151	219	370
2004–05	85	74	78	158	15	23	1	—	—	—	179	255	434
2005–06	106	93	62	116	14	26	—	4	—	—	182	239	421
2006–07	81	87	68	136	10	20	2	1	—	—	161	244	405
2007–08	52	61	59	76	6	13	1	2	—	—	118	152	270
2008–09	48	52	66	71	12	17	—	1	2	—	128	141	269
2009–10	42	28	66	55	16	14	1	—	—	—	125	97	222
2010–11	34	29	61	63	10	14	1	3	—	—	106	109	215
2011–12	17	17	46	38	13	11	1	5	—	1	77	72	149
2012–13	10	14	49	28	18	7	1	—	—	2	78	51	129

M = males, F = females, P = persons

Source: AIHW Adoptions Australia data collection.

**Table A12: Intercountry adoptions, by type of adoption, age group and sex of child, 2012–13**

Age group (years)	Hague adoption			Non-Hague adoption			Total
	Males	Females	Persons	Males	Females	Persons	
	<b>Number</b>						
Under 1	3	2	5	7	12	19	24
1–4	27	14	41	22	14	36	77
5–9	13	2	15	5	5	10	25
10–14	—	—	—	1	—	1	1
15–17	—	—	—	—	—	—	—
18+	—	—	—	—	2	2	2
<b>Total</b>	<b>43</b>	<b>18</b>	<b>61</b>	<b>35</b>	<b>33</b>	<b>68</b>	<b>129</b>
	<b>Per cent</b>						
Under 1	7.0	11.1	8.2	20.0	36.4	27.9	18.6
1–4	62.8	77.8	67.2	62.9	42.4	52.9	59.7
5–9	30.2	11.1	24.6	14.3	15.2	14.7	19.4
10–14	—	—	—	2.9	—	1.5	0.8
15–17	—	—	—	—	—	—	—
18+	—	—	—	—	6.1	2.9	1.6
<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>

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

Source: AIHW Adoptions Australia data collection.

**Table A13: Local and intercountry adoptions, by sibling groups, 2012–13**

Type of adoption	Number of sibling groups	Children adopted in sibling groups	
		Number	Proportion of adoption type (%)
Local adoption	—	—	—
Intercountry adoptions			
Hague adoption	4	8	13.1
Non-Hague adoption	5	11	16.2
<i>Total intercountry adoptions</i>	9	19	14.7
<b>Total local and intercountry adoptions</b>	<b>9</b>	<b>19</b>	<b>10.4</b>

Source: AIHW Adoptions Australia data collection.

**Table A14: Number of intercountry adoptions from Hague countries, by type of order under which the child entered Australia, 2012–13**

<b>Country of origin</b>	<b>Full adoption order in country of origin</b>	<b>Guardianship order</b>	<b>Total</b>
China <sup>(a)</sup>	14	—	14
India	1	2	3
Philippines	—	20	20
Thailand	—	16	16
Other <sup>(b)</sup>	4	4	8
<b>Total Hague intercountry adoptions</b>	<b>19</b>	<b>42</b>	<b>61</b>
<b>Proportion of total (%)</b>	<b>31.1</b>	<b>68.9</b>	<b>100.0</b>

(a) Excludes Special Administrative Regions and Taiwan Province.

(b) 'Other' includes adoptions from Bolivia, Colombia and Hong Kong.

Source: AIHW Adoptions Australia data collection.



**Table A15: Number of local and intercountry adoptions, by age group of the adoptive parent(s), 2012–13**

	Age group (years)								Total <sup>(a)</sup>
	Under 25	25–29	30–34	35–39	40–44	45–49	50–54	55+	
<b>Adoptive mother</b>									
Local adoptions	—	—	13	25	8	7	—	—	54
Intercountry adoptions									
Hague adoption	—	—	4	8	16	25	7	1	61
Non-Hague adoption	—	—	5	17	33	10	3	—	68
<i>Total intercountry</i>	—	—	9	25	49	35	10	1	129
<b>Total local and intercountry adoptions</b>	—	—	<b>22</b>	<b>50</b>	<b>57</b>	<b>42</b>	<b>10</b>	<b>1</b>	<b>183</b>
<b>Adoptive father</b>									
Local adoptions	—	—	6	25	15	7	—	—	53
Intercountry adoptions									
Hague adoption	—	—	1	11	17	18	13	—	60
Non-Hague adoption	—	—	2	13	36	13	—	—	64
<i>Total intercountry</i>	—	—	3	24	53	31	13	—	124
<b>Total local and intercountry adoptions</b>	—	—	<b>9</b>	<b>49</b>	<b>68</b>	<b>38</b>	<b>13</b>	—	<b>177</b>
<b>Adoptive parents</b>									
Local adoptions	—	—	19	50	23	14	—	—	107
Intercountry adoptions									
Hague adoption	—	—	5	19	33	43	20	1	121
Non-Hague adoption	—	—	7	30	69	23	3	—	132
<i>Total intercountry</i>	—	—	12	49	102	66	23	1	253
<b>Total local and intercountry adoptions</b>	—	—	<b>31</b>	<b>99</b>	<b>125</b>	<b>80</b>	<b>23</b>	<b>1</b>	<b>360</b>

(a) Total includes one mother of unknown age (for local adoptions).

Note: In 2012–13, there were a total of 183 local and intercountry adoptions (54 local and 129 intercountry). The total for mothers and fathers does not add to the total number of local and intercountry adoptions because 6 adoptive parents were single.

Source: AIHW Adoptions Australia data collection.

**Table A16: Number of adoption visas (subclass 102) issued during 2012–13**

Country of birth	Adoptions arranged by Australian state/ territory authority	Adoptions arranged by overseas agency/authority	Total
China <sup>(a)</sup>	16	7	23
Philippines	18	2	20
Taiwan	18	1	19
Thailand	8	3	11
Ethiopia	—	10	10
Hong Kong <sup>(b)</sup>	3	6	9
Vanuatu	—	9	9
Indonesia	—	7	7
United Kingdom <sup>(c)</sup>	—	7	7
United States of America	—	7	7
Fiji	—	5	5
India	1	3	4
Malaysia	—	4	4
Colombia	3	—	3
South Korea	3	—	3
Singapore	—	3	3
Germany	—	2	2
Unknown	1	1	2
Bolivia	1	—	1
Canada	—	1	1
Timor-Leste	—	1	1
Ghana	—	1	1
Israel	—	1	1
Jordan	—	1	1
Mexico	—	1	1
Papua New Guinea	—	1	1
Samoa	—	1	1
Solomon Islands	—	1	1
Sweden	—	1	1
Tonga	—	1	1
Turkey	—	1	1
Uganda	—	1	1
Vietnam	—	1	1
Zambia	—	1	1
Zimbabwe	—	1	1
<b>Total</b>	<b>72</b>	<b>93</b>	<b>165</b>

(a) Excludes Special Administrative Regions and Taiwan Province.

(b) Special Administrative Region of China.

(c) Includes England, Northern Ireland, Isle of Man, Scotland and Wales.

*Note:* This table relates to visas (subclass 102) that were issued during the financial year 2012–13. Not all children who enter Australia will have their adoption finalised in the same year that their visa was issued; therefore, the total number of adoption visas issued will not match the number of finalised intercountry adoptions (129). Only the persons recorded by the DIBP are included in this table.

*Source:* DIBP, unpublished data.

**Table A17: Local adoptions, by median age of birth mother at child's birth, 1998-99 to 2012-13**

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
2007-08	24.0
2008-09	22.0
2009-10	21.5
2010-11	21.0
2011-12	22.0
2012-13	23.0

Source: AIHW Adoptions Australia data collection.

**Table A18: Local adoptions, by marital status and age group of birth mother, 2012-13**

Age group (years)	Married		Unmarried <sup>(a)</sup>		Total	
	Number	Per cent	Number	Per cent	Number	Per cent
Under 20	—	—	11	22.0	11	20.8
20-24	1	33.3	20	40.0	21	39.6
25-29	1	33.3	5	10.0	6	11.3
30-34	—	—	8	16.0	8	15.1
35-39	—	—	4	8.0	4	7.5
40+	1	33.3	2	4.0	3	5.7
<b>Total</b>	<b>3</b>	<b>100.0</b>	<b>50</b>	<b>100.0</b>	<b>54</b>	<b>100.0</b>

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

Source: AIHW Adoptions Australia data collection.

**Table A19: Local adoptions, by marital status of birth mother, 1998–99 to 2012–13**

Year	Married <sup>(a)</sup>		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
2007–08	22 <sup>(b)</sup>	31.4	48	68.6	—	70
2008–09	4	6.0	63	94.0	1	68
2009–10	5 <sup>(b)</sup>	8.9	56	91.8	—	61
2010–11	5 <sup>(b)</sup>	11.1	40	88.9	—	45
2011–12	8 <sup>(b)</sup>	14.5	47	85.5	—	55
2012–13	3	5.7	50	94.3	1	54

(a) 'Married' includes couples in a registered marriage. 'Unmarried' includes couples in a de facto relationship and lone mothers.

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

*Notes*

1. Percentages may not add to 100 because of rounding.
2. Percentages exclude 'unknown'.
3. Changes to the categories of adoption introduced in 1998–99 limit the amount of trend data available for 'local' adoptions (Section 2.1).

Source: AIHW Adoptions Australia data collection.

**Table A20: Proportion of local adoptions, by type of agreement, 1998–99 to 2012–13 (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
2007–08	22.9	77.1
2008–09	33.9	66.1
2009–10	8.3	91.7
2010–11	15.6	84.4
2011–12	5.5	94.5
2012–13	13.0	87.0

*Note:* Percentages exclude 'unknown'.

*Source:* AIHW Adoptions Australia data collection.

**Table A21: Local adoptions, by type of arranging body, 2012–13**

Arranging body	Number	Per cent
Government department	34	63.0
Non-government agency	20	37.0
<b>Total</b>	<b>54</b>	<b>100.0</b>

*Source:* AIHW Adoptions Australia data collection.

**Table A22: Known child adoptions, by relationship to adoptive parent(s), 1998–99 to 2012–13**

Year	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	..	103 <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
2007–08	67	4	26	3	100
2008–09	66	—	35	3	104
2009–10	74	—	53	2	129
2010–11	73	1	49	1	124
2011–12	52	2	70	5	129
2012–13	70	2	81	3	156
<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
2007–08	67.0	4.0	26.0	3.0	100.0
2008–09	63.5	—	33.7	2.9	100.0
2009–10	57.4	—	41.1	1.6	100.0
2010–11	58.9	0.8	39.5	0.8	100.0
2011–12	40.3	1.6	54.3	3.9	100.0
2012–13	44.9	1.3	51.9	1.9	100.0

(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) Percentages exclude 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 (Section 2.1).
- The 'Other' category was added in 2007–08. Before this, children adopted by commissioning (surrogate) parents were included in the 'Relative' category.
- Percentages may not add to 100 because of rounding.

Source: AIHW Adoptions Australia data collection.

**Table A23: Known child adoptions, by relationship to adoptive parents, and age group and sex of child, 2012-13**

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	1	1	2	—	—	—	11	4	15	—	—	—	12	5	17
5-9	8	7	15	—	1	1	22	10	32	—	1	1	30	19	49
<i>Under 10</i>	<i>10</i>	<i>8</i>	<i>18</i>	<i>—</i>	<i>1</i>	<i>1</i>	<i>33</i>	<i>14</i>	<i>47</i>	<i>—</i>	<i>1</i>	<i>1</i>	<i>43</i>	<i>24</i>	<i>67</i>
10-14	7	17	24	1	—	1	7	13	20	—	—	—	15	30	45
15-17	2	6	8	—	—	—	6	6	12	—	—	—	8	12	20
18+	11	9	20	—	—	—	—	2	2	—	2	2	11	13	24
10-18+	20	32	52	1	—	1	13	21	34	—	2	2	34	55	89
<b>Total</b>	<b>30</b>	<b>40</b>	<b>70</b>	<b>1</b>	<b>1</b>	<b>2</b>	<b>46</b>	<b>35</b>	<b>81</b>	<b>—</b>	<b>3</b>	<b>3</b>	<b>77</b>	<b>79</b>	<b>156</b>
<b>Per cent</b>															
Under 1	3.3	—	1.4	—	—	—	—	—	—	—	—	—	1.3	—	0.6
1-4	3.3	2.5	2.9	—	—	—	23.9	11.4	18.5	—	—	—	15.6	6.3	10.9
5-9	26.7	17.5	21.4	—	100.0	50.0	47.8	28.6	39.5	—	33.3	33.3	39.0	24.1	31.4
<i>Under 10</i>	<i>33.3</i>	<i>20.0</i>	<i>25.7</i>	<i>—</i>	<i>100.0</i>	<i>50.0</i>	<i>71.7</i>	<i>40.0</i>	<i>58.0</i>	<i>—</i>	<i>33.3</i>	<i>33.3</i>	<i>55.8</i>	<i>30.4</i>	<i>42.9</i>
10-14	23.3	42.5	34.3	100.0	—	50.0	15.2	37.1	24.7	—	—	—	19.5	38.0	28.8
15-17	6.7	15.0	11.4	—	—	—	13.0	17.1	14.8	—	—	—	10.4	15.2	12.8
18+	36.7	22.5	28.6	—	—	—	0.0	5.7	2.5	—	66.7	66.7	14.3	16.5	15.4
10-18+	66.7	80.0	74.3	100.0	—	50.0	28.3	60.0	42.0	—	66.7	66.7	44.2	69.6	57.1
<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>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>

M = males, F = females, P = persons

(a) Includes relatives other than step-parents.

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

Source: AIHW Adoptions Australia data collection.

**Table A24: Number of information applications and vetoes lodged, 1992–93 to 2012–13**

<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
2007–08	2,832	140
2008–09	3,607	52
2009–10	2,893	74
2010–11	2,951	108
2011–12	2,619	128
2012–13	2,690	139

*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

Intercountry adoption in Australia at the Commonwealth level is governed by the following legislation:

*Family Law Act 1975*

*Family Law (Hague Convention on Intercountry Adoption) Regulations 1998*

*Family Law (Bilateral Arrangements – Intercountry Adoption) Regulations 1998.*

The following legislation relating to immigration matters also governs aspects of intercountry adoption:

*Immigration (Guardianship of Children) Act 1946*

*Migration Act 1958*

*Migration Regulations 1994*

*Australian Citizenship Act 2007.*

### New South Wales

*Adoption Act 2000*

*Adoption Regulation 2003*

*Adoption Amendment Regulation 2009*

*Adoption Amendment (Access to Information) Regulation 2009*

### Level of court

Supreme Court of New South Wales

### Step-parent adoptions

Step-parents apply directly to the New South Wales Supreme Court to adopt a step-child in their care. The child must be 5 years old and have had a relationship with the step-parent for at least 2 years immediately before the application. The step-parent(s) must provide an assessment in their application to the court to assist in its decision making. This report must be done by an adoption assessor approved by Community Services, New South Wales Department of Family and Community Services.

### Relative adoptions

There is provision for adoptions by relatives. The child must have had an established relationship for at least 2 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.

## **Authorised carer adoptions**

Children may be adopted by their authorised carer(s) if the parent(s) and anyone holding parental responsibility for the child consents; if the Supreme Court dispenses with the consent of the parent(s), or if the child gives sole consent (the child is aged 12 or more, has sufficient maturity to understand the effect of giving consent and has been cared for by the prospective adoptive parent(s) for at least 2 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 live in New South Wales, be aged over 21 and may be a single person or a couple who have been living together continuously for 2 years. Gazetted selection criteria apply and are available on the website of Community Services, New South Wales Department of Family and Community Services at [http://www.community.nsw.gov.au/docs\\_menu/parents\\_carers\\_and\\_families/fostering\\_and\\_adoption/adoption.html](http://www.community.nsw.gov.au/docs_menu/parents_carers_and_families/fostering_and_adoption/adoption.html).
- 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 Community Services, New South Wales Department of Family and Community Services or (for local adoptions only) an accredited adoption service provider (CatholicCare, Anglicare Adoption Services or Barnardos Australia).

## **Official client**

An applicant becomes an 'official client' of Adoption and Permanent Care Services when a formal application has been lodged (after lodging an Expression of Interest and attending the relevant training seminar).

## **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.

## **Adoption of adults**

A person aged 18 or older who was cared for by the prospective adoptive applicant or authorised carer as their child, before reaching the age of 18, and who is in a 'fit condition' to give consent, may give sole consent to their own adoption. The Supreme Court must not make a consent dispensation order dispensing with the requirement for consent of a person who is 18 or older in any circumstances.

An adoption application is generally lodged directly with the Supreme Court with little or no involvement from Adoption and Permanent Care Services other than providing a report to the Court at the Court's request.

## **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 DHS or an approved non-government adoption agency for the preparation of an assessment report on the prospective adoptive parent(s). 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 allow the applicant(s) to be:

- 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 approved non-government organisations, which are Connections, Anglicare Western, Anglicare Gippsland, CatholicCare, St Lukes Anglicare, and Child and Family Services Ballarat.

## **Official client**

An applicant becomes an official client for the purposes of intercountry adoption when they make an application.

## **Adoption of Indigenous children**

The Victorian Adoption Act recognises the principles of Indigenous self-management and self-determination, and that adoption is not available in Indigenous 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 an Indigenous adoptive parent(s) or that a right of access be granted to the natural parent(s), other relatives and members of the Indigenous community.

## **Adoption of adults**

Section 10 of the Victorian Adoption Act allows the court to grant an adoption order for the adoption of an adult who has been brought up, maintained and educated by the applicant(s) acting as the parent(s) of the person. The adoption proceeds without the involvement of the DHS or approved adoption agency and does not require the consent of the person's birth parents.

## Queensland

*Adoption Act 2009*

*Adoption Regulation 2009*

The Act and its regulations took effect on 1 February 2010.

### Level of court

Childrens Court of Queensland

### Step-parent adoptions

Adoption by step-parents can be arranged only through the Queensland Department of Communities, Child Safety and Disability Services (DCCSDS).

### Other-relative adoptions

If adoption by a relative is the best option for securing a child's long-term care, the DCCSDS can ask a relative to consider being assessed as a prospective adoptive parent for the child. However, the relative cannot initiate the process.

### Local and intercountry adoptions

Couples are eligible to express interest in local or intercountry adoption, if:

- they are a man and a woman who are living together and have been living together as spouses (either married or de facto) continuously for at least 2 years
- they are both adults who are residing or domiciled in Queensland
- at least one of them is an Australian citizen
- the female partner is not pregnant
- neither partner is undergoing fertility treatment and has not undergone fertility treatment within the previous 6 months
- they are not an intended parent under a surrogacy arrangement within the meaning of the *Surrogacy Act 2010 (Qld)*
- if they have been an intended parent for a surrogacy arrangement within the meaning of the Queensland Surrogacy Act – with the surrogacy arrangement ending not less than 6 months earlier
- the couple does not have custody of a child under 12 months of age or a child who has been in their custody for less than 12 months. (Note: Custody, in this context, does not include children of whom the person is an approved carer.)

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

### Official client

For the purpose of intercountry adoptions, a person is considered an 'official client' when they have made an expression of interest to be assessed for suitability to be an adoptive parent(s) and are eligible to have his or her name entered in the expression of interest register.

## **Adoption of Indigenous children**

The Queensland Adoption Act respects Indigenous custom by not promoting adoption as an appropriate option for the long-term care of an Indigenous child.

The Act includes safeguards to ensure, where parents and guardians of an Indigenous child do explore adoption for a child's care, that the child's culture is respected and the adoption proceeds only if there is no better option available for the child's long-term stable care.

In addition to the counselling and information it is required to provide to all parents, the DCCSDS must provide the parents of Indigenous children with the option of receiving counselling and information about a number of specific issues from an appropriate Indigenous person.

The Act includes the Aboriginal and Torres Strait Islander Child Placement Principle, which requires the DCCSDS to give proper consideration to placing the child (in order of priority) with:

- a member of the child's community or language group
- another Indigenous person who is compatible with the child's community or language group
- another Indigenous person.

The DCCSDS must consult an appropriate Indigenous person in selecting a couple to be considered as the child's prospective adoptive parents.

An adoption plan between the parties to the adoption is mandatory if an Indigenous child is to be adopted by a couple from outside his or her community. The plan must include agreement on how the child might be assisted to develop a cultural identity, including establishing links with the child's cultural heritage generally and with members of the child's community or language group.

Before making any decisions about the adoption of an Indigenous child, the Childrens Court is required to consider the views of an appropriate Indigenous person about the child's interests, and any traditions or customs relating to the child.

## **Adoption of adults**

The Queensland Adoption Act does not make provision for an adult to be adopted. An adoption order can be made only in relation to a child aged under 18.

## **Western Australia**

*Adoption Act 1994*

*Adoption Regulations 1995*

Amendments to the Western Australian adoption legislation proclaimed in late 2012 include significant reform of the adoption process to make decision making more independent and transparent, to reintroduce relative adoptions, to relax restrictions on placement and to broaden the right of access to adoption information to include access by birth siblings of an adopted person.

## **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 for Child Protection and Family Support of their intention to apply for an order of adoption. For the purpose of the adoption process, it may be necessary to engage the services of a solicitor, as well as to apply to the Family Court of Western Australia for an adoption order.

The department is required to provide a report to the court.

## **Other-relative adoptions**

Adoption by relatives is now permitted under the Western Australian Adoption Act in certain circumstances. The relative must also have had the full-time care of the child for at least 2 consecutive years. To support the introduction of 'relative' adoptions, the definition of 'relative' has been amended and is limited to a person's grandparent, sibling, uncle or aunt.

## **Carer adoptions**

Carer adoptions can occur when it is considered that the best interests of the child are served by the child's being adopted by eligible and approved carers. The carers must have had the full-time care of the child for at least 2 consecutive years. The Department for Child Protection and Family Support 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.

## **Local and intercountry adoptions**

All adoptions are arranged through the Department for Child Protection and Family Support.

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

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

For local 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.

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.

## **Official client**

Applicants become 'official clients' after lodgement and acceptance of the Expression of Interest Form. This form is submitted after the applicants have participated in the relevant adoption information seminars.

## **Adoption of Indigenous children**

The Western Australian Adoption Act includes provisions for Aboriginal and Torres Strait Islander children – the placement for adoption principle, promoting ongoing affiliation of the child's culture and the requirement to consult relevant Indigenous staff and/or an Indigenous agency that has relevant knowledge of the child, and the child's family and community. Preference is given to placing Indigenous children with Indigenous adoptive parents unless the child's birth parents specifically request otherwise.

## **Adoption of adults**

An adult may be adopted by a person who was a carer or a step-parent of the person immediately before he/she turned 18. Both the prospective adoptee and the prospective adoptive parent are required to consent to the adoption and both birth parents of the prospective adoptee must be notified of the intention to apply for an adoption order.

## **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 stepchild.

Adoption by step-parents is granted only in special circumstances – that is, when there is no other order that will adequately provide for the interests and welfare of the child. The South Australian Department for Education and Child Development (DECD) is required to provide counselling for the relevant consents and to provide a report to the court.

### **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. The DECD is required to provide counselling for the relevant consents and to provide a report to the court.

### **Local and intercountry adoptions**

Eligibility requirements allow the applicant(s) to be:

- a married couple or a de facto couple for a continuous period of at least 5 years at the time the adoption order is made, or 3 years for allocation or placement of the child
- a single person in special circumstances.

Adoptions can be arranged only through the DECD.

## **Official client**

An applicant becomes an 'official client' when they lodge an Expression of Interest to adopt a child with the DECD.

It is a requirement for both members of a couple to attend an information session about adoption before lodging an Expression of Interest.

## **Adoption of Indigenous children**

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

## **Adoption of adults**

No provisions exist in the South Australian Adoption Act for the adoption of adults.

## **Tasmania**

*Adoption Act 1988*

*Adoption Regulations 2006*

*Adoption Amendment Act 2007*

## **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 Tasmanian Department of Health and Human Services (DHHS). If the child's paternity has been legally established, adoption is possible only in special circumstances that 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.

## **Carer adoptions**

A policy has been established regarding children in out-of-home care for whom adoption is considered to be in the child's best interests. The policy provides advice and clarifies the requirements regarding adoption by foster carers.

All applications for an adoption order in favour of a foster carer adoption must be made through the DHHS.



## **Local and intercountry adoptions**

Eligibility requirements allow the applicant(s) to be:

- a couple who are married or in a registered relationship and have lived together in a stable, continuous relationship for not less than 3 years
- a single person in special circumstances that relate to the welfare and interests of the child.

Adoptions by non-relatives can be arranged by the DHHS or a non-government organisation approved by the Minister for Children.

### **Official client**

In Tasmania, an applicant becomes an official client for the purpose of intercountry adoption once their adoption application has been registered.

### **Adoption of Indigenous children**

Adoption of Indigenous children is not included in the legislation, although the birth parent(s) may express wishes about race of adoptive parent(s). The cultural differences of Indigenous people are recognised; placement within the Indigenous community is the preferred option.

### **Adoption of adults**

The Tasmanian Adoption Act provides for adult adoptions in circumstances where a person has been brought up, maintained and educated by the prospective adoptive parent, or either of the prospective adoptive parents, or the prospective adoptive parent and his or her deceased spouse.

The court cannot, however, make an order for the adoption of a person who is, or has been, married; it must also be satisfied that special circumstances exist in relation to the welfare and interests of the person that make it desirable for the person to be adopted.

## **Australian Capital Territory**

*Adoption Act 1993*

*Adoption Amendment Act 2009*

### **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 allow the applicant(s) to be:

- 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.

## **Official client**

A person becomes an 'official client' at the point in which a completed Application Form is received by the Adoption and Permanent Care Unit.

## **Adoption of Indigenous children**

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

## **Adoption of adults**

Adult adoptions are legal under the Australian Capital Territory Adoption Act where the person is resident in the Australian Capital Territory and has been 'reared, maintained and educated' by the applicants under a de facto adoption.

## **Northern Territory**

*Adoption of Children Act 1994*

*Adoption of Children Amendment Act 2006*

The Northern Territory Adoption of Children Amendment Act, which came into effect on 3 July 2006, enables 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.

## **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 allow/require the applicant(s):

- to be a married couple for 2 years or more
- to be no more than 40 years older than the child, or 45 years older than the child if previous children are in the family
- to have other requirements in regard to the age of adoptive parent(s) considered in exceptional circumstances
- to be a single person in exceptional circumstances.

All adoptions must be arranged through the Department of Children and Families.

## **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 and Torres Strait Islander 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, but strongly supports openness in adoption attitudes and actions between birth and adoptive 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. For local adoptions in New South Wales, birth parents participate in the choice of the adoptive family for their child. Community Services, New South Wales Department of Family and Community Services or the agency that arranged the adoption may help mediate ongoing contact after the adoption order, if necessary.

### **Victoria**

The Victorian Adoption Act 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 their wishes concerning contact and information exchange, which are considered when placement decisions are made. At the time of signing the consent, birth parents are asked whether they wish to be actively involved in selecting an adoptive family. They 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 Queensland Adoption Act, all parties to an adoption have access to non-identifying information. Where an adopted person is aged under 18, parties to an adoption can access identifying information only if both the adoptive and birth parents agree and provide consent. Where a child's prospective adoptive parent(s) and birth parent(s) wish to have in-person contact after the adoption order is made an adoption plan is compulsory, and must be in place before a final adoption order can be made,. The DCCSDS must assist parties negotiate an adoption plan at the time a child's adoption is arranged or after an adoption order has been made, if assistance is requested.

### **Western Australia**

Since the inception of Western Australia's Adoption Act, all adoptions are considered open. All parties to an adoption may apply for access to information, which it is either 'identifying' or 'non-identifying' information. The level of information depends on when the adoption took place, the information recorded at the time and whether the records still exist. Amendments to the Adoption Act in 2003 prohibit placing any new information vetoes or contact vetoes on adoptions after 1 June of that year, and existing information vetoes ceased to be effective from 1 June 2005.

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 with, and by approval of, the Family Court of Western Australia.

## **South Australia**

Under the South Australian Adoption Act, 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 DECD.

## **Tasmania**

Under the Tasmania Adoption Act, open adoptions are possible between parties to the adoption. The adoption forms (Adoption Regulations 2006) allow parties to express wishes regarding ongoing contact and information exchange at the time of the adoption. These exchanges are generally facilitated by the DHHS. Arrangements for contact and information exchange are not legally binding.

## **Australian Capital Territory**

Legislation allows for conditional orders (that is, where contact frequency and other arrangements can be specified). Since the 1993 adoption legislation, 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 Northern Territory's Adoption of Children Act was introduced. It is an option for relinquishing parents to request an open adoption and an arrangement may be made with adoptive parents, although such an arrangement is not legally binding under the Act.

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

### **New South Wales**

#### **Access to information**

The New South Wales Adoption Act makes different provisions for the release of information depending on whether the adopted person is under or over 18 and whether an adoption order was made before or after 1 January 2010.

**For adoptions made after 1 January 2010**, adopted people, adoptive parents, birth parents and non-adopted siblings of an adopted person can gain identifying information about each other and search for each other from the day the adoption order is made.

Where the adopted person is under the age of 18, the adopted person requires the consent of their surviving adoptive parents or the consent of the Director-General of the New South Wales Department of Family and Community Services to apply. Birth parents and non-adopted siblings (whether aged under or over 18) must firstly apply to the Director-General for an authority to obtain identifying information; before an authority can be released, an assessment must be made to determine if the release of identifying information would pose any risk to the safety, welfare or wellbeing of the adopted person or the adoptive parent(s). Non-adopted siblings under the age of 18 require the consent of their parents or the Director-General to apply.

When the adopted person is aged 18 or over, a supply authority is not required; however, if a non-adopted sibling is under 18, the sibling must have the consent of their parent(s) or the Director-General.

**For adoptions made before 1 January 2010**, birth parents, adoptive parents and adopted siblings can access identifying information once the adopted person turns 18. All parties must first apply to the Director-General for a supply authority. Before a supply authority is issued, a check is undertaken to see if the application is subject to an advance notice or contact veto.

While an adopted person is aged under 18, birth parents and adoptive parents can access non-identifying information. With the permission of the other parents (birth parents/adoptive parents), identifying information can also be provided.

For persons without other entitlements under the Act to receive identifying information, Section 140(3) enables the Director-General to make adoption information available to persons where it would be reasonable to do so.

Section 137 of the Act enables anyone who had a close personal relationship with a deceased adopted person or deceased birth parent to apply to the Director-General to be considered to be approved to be supplied with adoption information. This is referred to as inheriting rights.

#### **Advance Notice Register**

Adult adopted people, birth parents and adoptive parents are able to lodge an Advance Notice Application. This enables them to be advised if another party to an adoption applies for identifying information. The release of their personal information is then delayed for 2 months to allow the registered person to prepare for its release; for example, a birth mother may need time to tell her current partner about the adoption.

## **Contact Veto Register**

Where an adoption order was made before 26 October 1990, birth parents and adult adopted people are able to lodge a contact veto. A veto is not able to be lodged for an adoption that occurred after that date. The veto prevents contact only. It does not prevent the release of identifying adoption information. Once a veto is lodged, it becomes an offence for the person applying for the identifying information to try to make contact with the person who lodged the veto, or for them to have someone else try to make contact on their behalf. Information that is subject to a contact veto will be released to an applicant only if he/she gives a written legal undertaking to not use that information to seek contact.

## **Reunion and Information Register**

Parties to an adoption and other people may apply to register their name in the Reunion and Information Register. Their registration enables them to be 'matched' with another person who has also registered in relation to the same adoption. Once matched, the parties may then choose to be put in contact with each other and reunited. Registration on the Reunion and Information Register also enables the Adoption Information Unit and other adoption agencies to act on behalf of the registered person to locate a person from whom they have been separated as a consequence of adoption.

## **Victoria**

### **Access to information**

In Victoria, an adopted person aged 18 or older may apply for a copy of his or her original birth certificate and adoption records. An adopted person aged under 18 requires the written agreement of his or her adoptive parent(s) before information can be given; the written consent of the birth parent(s) is also 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 or older, or of the adoptive parent(s) if the adopted person is under 18.

Adult children of adopted persons have the same rights to information as the adopted person, providing the adopted person is first informed in writing and has not objected to the release of their adoption information 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 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 Queensland Adoption Act makes different provisions for the release of information depending on whether an adopted person is under or over the age of 18 and whether an adoption order was made before or after 1 June 1991.

Adopted people and birth parents are entitled to receive identifying information once the adopted person has reached 18. Where the adopted child is aged under 18, identifying information can be provided if consent is provided by both the adoptive and birth parents.

In certain circumstances, eligible relatives of an adopted person or birth parent who signed an adoption consent can obtain identifying information. This includes siblings of the adopted person who were not adopted.

The adopted person and the birth parent(s) who signed the adoption consent can lodge a contact statement to express their wishes regarding the manner in which they would prefer to be contacted or to express their wish not to be contacted. Offence provisions apply if an adopted person or birth parent affected by an adoption order made before 1 June 1991 contacts another party who has requested no contact.

To support people accessing information and considering contact statements, the Queensland Government also funds Post Adoption Support Queensland to provide counselling and support to people affected by adoption. This service offers:

- telephone counselling and support
- face-to-face counselling
- support and information during the search process
- mediation and assistance for people wishing to make contact with relatives.

### Veto (contact statement) system

In Queensland, the enactment of the Adoption Act brought significant changes to vetoes. The repealed *Adoption of Children Act 1964 (Qld)* provided for objections to contact – and objections to the disclosure of identifying information – to be lodged by adopted people or by birth parents affected by an adoption order made before 1 June 1991. As at 1 February 2010, all objections then in force under this repealed Act were reconstituted as a contact statement that specifically requested no contact (effectively, a contact veto).

A contact statement remains in place unless it is revoked by the person who lodged it or the person dies. Offence provisions apply if an adopted person or birth parent affected by an adoption order made before 1 June 1991 contacts another party who has requested no contact. If a request for no contact is in place, identifying information can be provided only if the person seeking information has signed an acknowledgment indicating that they are aware the contact statement requesting no contact is in place and that it would be an offence to contact the other person.

The release of identifying information can be restricted only if the Childrens Court has made an order preventing the release where it is deemed the release would pose an unacceptable risk of harm.



## **Western Australia**

### **Access to information**

Before placing children with prospective adoptive parents, an adoption plan must be negotiated between birth parents and prospective adoptive parents. This is done to facilitate contact and exchange of information between parties to the adoption. This requirement may be dispensed with by applying to the Family Court of Western Australia. Under the Western Australian Adoption Act, birth parents, adoptive parents and adopted persons may apply for access to identifying and non-identifying information about the adoption from departmental records at the discretionary authority of the departmental Chief Executive Officer.

Western Australia's *Adoption of Children Act 1896* was repealed in January 1995 when the Adoption Act was enacted.

An adoptee's 'birth' sibling now has the right to access court records and birth registration information regarding their adopted sibling, provided that the sibling and adoptee are both at least 18 years old.

### **Veto system**

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

Under the South Australian Adoption Act, all parties can apply for access to birth records and adoption court records (that is, identifying information).

Since changes to the legislation in 2003, no new information vetoes are permitted to be lodged. All existing information vetoes became ineffective in June 2005.

Further, 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 or over can access information 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 the age of 18, the birth parents can access the adoptive name of their relinquished child and the name(s) of the adoptive parent(s). Adoptive parents can 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 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 or over may apply for access to his or her pre-adoption birth record and information from the adoption record. An adopted person aged under 18 may apply for this information with the written consent of his or her adoptive parent(s). 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 or over. Adoptive parents may apply for non-identifying information at any time, but may receive information that includes the name of a birth parent only with the written permission of the birth parent concerned.

All applicants who reside 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, an adopted person aged 18 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 came into force in 1993, no provision for adoption information existed. However, because 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, 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 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. Under the *Adoption Amendment Act 2009 (ACT)*, vetoes can no longer be lodged in respect of adoption orders made after 22 April 2010. 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 territory's Adoption of Children Act 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 Agencies such as Link-Up 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

Table C1: The 89 countries party to the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption

Country	Date Convention came into effect	Country	Date Convention came into effect
Albania	1 January 2001	Germany	1 March 2002
Andorra <sup>(a)</sup>	1 May 1997	Greece	1 January 2010
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	Ireland	1 November 2010
Belize <sup>(a)</sup>	1 April 2006	Israel	1 June 1999
Bolivia	1 July 2002	Italy	1 May 2000
Brazil	1 July 1999	Kazakhstan <sup>(a)</sup>	1 November 2010
Bulgaria	1 September 2002	Kenya <sup>(a)</sup>	1 June 2007
Burkina Faso	1 May 1996	Latvia	1 December 2002
Burundi <sup>(a)</sup>	1 February 1999	Lesotho <sup>(e)</sup>	1 December 2012
Cambodia <sup>(a)</sup>	1 August 2007	Liechtenstein <sup>(a)</sup>	1 May 2009
Canada	1 April 1997	Lithuania <sup>(a)</sup>	1 August 1998
Cape Verde <sup>(a)</sup>	1 January 2010	Luxembourg	1 November 2002
Chile	1 November 1999	Macedonia <sup>(a)</sup>	1 April 2009
China <sup>(b)</sup>	1 January 2006	Madagascar	1 September 2004
Colombia	1 November 1998	Mali <sup>(a)</sup>	1 September 2006
Costa Rica	1 February 1996	Malta <sup>(a)</sup>	1 February 2005
Cuba <sup>(a)</sup>	1 June 2007	Mauritius <sup>(a)</sup>	1 January 1999
Cyprus	1 June 1995	Mexico	1 May 1995
Czech Republic	1 June 2000	Moldova <sup>(a)</sup>	1 August 1998
Denmark <sup>(c)</sup>	1 November 1997	Monaco <sup>(a)</sup>	1 October 1999
Dominican Republic <sup>(a)</sup>	1 March 2007	Mongolia <sup>(a)</sup>	1 August 2000
Ecuador	1 January 1996	Montenegro <sup>(a)</sup>	1 July 2012
El Salvador	1 March 1999	Netherlands	1 October 1998
Estonia <sup>(a)</sup>	1 June 2002	New Zealand <sup>(a)</sup>	1 January 1999
Finland	1 July 1997	Norway	1 January 1998
Fiji	1 August 2012	Panama	1 January 2000
France	1 October 1998	Paraguay <sup>(a)</sup>	1 September 1998
Georgia <sup>(a)</sup>	1 August 1999	Peru	1 January 1996

(continued)

**Table C1 (continued): Countries party to the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption**

Country	Date Convention came into effect	Country	Date Convention came into effect
Philippines	1 November 1996	Sri Lanka	1 May 1995
Poland	1 October 1995	Sweden	1 September 1997
Portugal	1 July 2004	Switzerland	1 January 2003
Romania	1 May 1995	Thailand	1 August 2004
Rwanda <sup>(a)</sup>	1 July 2012	Togo <sup>(a)</sup>	1 February 2010
San Marino <sup>(a)</sup>	1 February 2005	Turkey	1 September 2004
Senegal <sup>(a)</sup>	1 December 2011	United Kingdom <sup>(d)</sup>	1 June 2003
Seychelles <sup>(a)</sup>	1 October 2008	USA	1 April 2008
Slovakia	1 October 2001	Uruguay	1 April 2004
Slovenia	1 May 2002	Venezuela	1 May 1997
South Africa <sup>(a)</sup>	1 December 2003	Viet Nam	1 February 2012
Spain	1 November 1995		

(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 for the Isle of Man on 1 November 2003.

(e) As the Federal Republic of Germany raised an objection to the accession of Lesotho on 28 February 2013, the Convention will not enter into force between Germany and Lesotho.

*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, Nepal and the Russian Federation.

Source: HCCH 2013)

# Appendix D Data quality statement: Adoptions Australia

## Summary of key issues

- The Adoptions Australia collection contains data relating to adopted children, their adoptive families and birth mothers, as well as information on the number of contact/information requests and vetoes lodged by parties to an adoption. Data are collected on intercountry, local and 'known' child adoptions. Additional data are also collected on the length of time of different intercountry adoption processes.
- The small population of the report creates a number of issues for reporting data. Proportional changes from one reporting period to the next and rates based on small numbers need to be interpreted with caution. Exploring trends over long periods (for example, 10 and 25 years) provides more robust results. The small population also increases the potential for attribute disclosure. Further, disaggregation of analyses by Indigenous status is not possible due to the small number of Indigenous children covered by the collection each year.
- The AIHW compiles the data each year using data extracted from the administrative systems of the state and territory departments responsible for adoptions. Some data are also provided by the DIBP.
- Overall, the quality and coverage of data in the Adoptions Australia collection is good. Data are only partially available (one jurisdiction was unable to provide or only able to partially provide) for 4 of the 27 collection tables, and data are rarely recorded as 'unknown' in any of the collection tables.

## Institutional environment

The AIHW is a major national agency set up by the Australian Government under the *Australian Institute of Health and Welfare Act 1987* (Cwlth) to provide reliable, regular and relevant information and statistics on Australia's health and welfare. It is an independent statutory authority established in 1987, governed by a management board and accountable to the Australian Parliament through the Health and Ageing portfolio.

The AIHW aims to improve the health and wellbeing of Australians through better health and welfare information and statistics. It collects and reports information on a wide range of topics and issues, ranging from health and welfare expenditure, hospitals, disease and injury, and mental health, to ageing, homelessness, disability and child protection.

The Institute also plays a role in developing and maintaining national metadata standards. This work contributes to improving the quality and consistency of national health and welfare statistics. The Institute works closely with governments and non-government organisations to achieve greater adherence to those standards in administrative data collections to promote national consistency and comparability of data and reporting.

One of the main functions of the AIHW is to work with the states and territories to improve the quality of administrative data and, where possible, to compile national data sets based on data from each jurisdiction, to analyse the data sets and disseminate information and statistics.

Compliance with the provisions of both the Australian Institute of Health and Welfare Act and the *Privacy Act 1988* (Cwlth) ensures that the data collections managed by the AIHW are kept securely and under the strictest conditions to preserve privacy and confidentiality.

For further information, see the AIHW website <[www.aihw.gov.au](http://www.aihw.gov.au)>.

## Timeliness

The reference period for the 2012–13 Adoptions Australia collection is from 1 July 2012 to 30 June 2013. The data set includes information related to all intercountry, local and ‘known’ adoption orders finalised during this period as well as limited information on placements that took place during this period.

The state and territory departments responsible for adoption provide data to the AIHW annually, following the end of each financial year. For the 2012–13 collection, the first iteration of data was due to the AIHW about 6 weeks after the end of the financial year (by 14 August 2013), and data were finalised for all states and territories in September 2013.

The data for each collection period are released in the AIHW’s *Adoptions Australia* annual publication. In 2012–13, concurrent with the annual publication, key findings will also be released in an online dashboard.

Data from the Adoptions Australia collection are expected to be published in December of the final year of the reference period (within 6 months after the end of the reference period).

## Accessibility

Publications containing Adoptions Australia data, including the annual *Adoptions Australia* reports and online dashboard, are available on the AIHW website <<http://www.aihw.gov.au/>>. These reports are available free of charge.

Requests for unpublished data can be made by contacting the AIHW on (02) 6244 1000 or via email to <[info@aihw.gov.au](mailto:info@aihw.gov.au)>. A cost recovery charge may apply to requests that take longer to compile. Depending on the nature of the request, requests for access to unpublished data may require approval from the state and territory data custodians and/or the AIHW Ethics Committee.

General inquiries about AIHW publications can be made to the Communications, Media and Marketing Unit on (02) 6244 1032 or via email to <[info@aihw.gov.au](mailto:info@aihw.gov.au)>.

## Interpretability

Supporting information on relevant legislation and jurisdictional policy are presented at Appendix B. Supporting information is also provided in the footnotes to tables and in the Glossary. The AGD – the Australian Central Authority for intercountry adoption – provides expert advice on current intercountry adoption programs, which is incorporated into the report to inform and contextualise analyses. Chapter 2 of the report provides an overview of the three types of adoption in the report and further contextual information. Readers are advised to consider all supporting and contextual information to ensure appropriate interpretation of analyses presented by the AIHW.

Metadata for the Adoptions Australia collection can be found on METeOR, the AIHW’s online metadata repository.

## Relevance

The Adoptions Australia collection is the authoritative source of national adoptions data for Australia. As well as providing information on the current period, the collection also allows for comparable trend data to be examined. As part of the 'child welfare' schedule under the National Community Services Information Infrastructure Agreement, the collection is a valuable source for monitoring the role of adoption as part of Australia's response to issues of child welfare and safety.

Each year, the data collection includes information related to intercountry, local and 'known' adoption placements and finalisations that occurred during the reporting period (that is, the 2012–13 reporting period would include data from 1 July 2012 to 30 June 2013). These data allow for analyses of the adopted child, the adoptive families and, for local adoptions, the birth mothers of those children with a finalised adoption order to be reported each year. The collection also allows data on the number of contact/information requests and vetoes lodged by parties to an existing adoption to be examined. In addition, data from the DIBP on the number of visas issued for expatriate adoption and the countries of origin for these adoptions provides complementary information. When combined, these data give a detailed view of adoption in Australia.

## Scope

A description of adoption and information on where the data for the collection are sourced is presented in Chapter 1. A description of the categories of adoption included in the collection is provided in Section 2.1.

The Adoptions Australia collection contains data relating to two populations of adopted children; namely, those subject to:

- **Finalisations** – Children who were the subject of a finalised adoption order during the reporting period. This includes orders that were made in Australia and, in the case of some intercountry adoptions, where the full adoption order was made in the country of origin.
- **Placements** – Children, regardless of the status of their adoption order, who were placed with their adoptive family during the reporting period. 'Placed with their adoptive families' refers to when the child enters the home.

There can be overlap between these two groups. However, some children placed for adoption during the current period may not have their adoption finalised until a following year. In addition, some adoption orders finalised in the current period may relate to children who were placed in a previous year. However, the aggregate nature of the Adoptions Australia collection does not allow the degree of overlap to be determined.

The collection also contains data on the adoptive families and, for local adoptions, birth mothers of those children with a finalised adoption order. In addition, data on the number of contact/information requests and vetoes lodged by parties to an existing adoption are collected.

The collection is a part of the Child Welfare series. The agreement for ongoing funding of this series forms Schedule 3 of the National Community Services Information Infrastructure Agreement. This agreement operates under the auspices of the Standing Council on Community and Disability Services Advisory Council (formerly the Community and Disability Services Ministers' Advisory Council).



## Attribute disclosure

Due to the small size of the population covered by the collection, the potential for the appearance of small cells is high. However, the risk of sensitive attribute disclosure is considered low. The reasons for this are listed below:

- Most report tables are aggregated to a national level.
- There is the possibility of an observed placement to be not finalised in the year it occurred. (This makes the population of finalised adoption orders contained within a report difficult to observe and, therefore, it is difficult to determine if information about an observed adopted person is present in a particular report.)
- Most variables are considered of low sensitivity by national, state and territory adoption authorities; further, some data are put in the public domain at a similar level of disaggregation by these authorities.

## Accuracy

Data for the Adoptions Australia collection are extracted each year from the administrative systems of the Australian state and territory departments responsible for adoption, according to definitions and technical specifications agreed by the departments and the AIHW.

Overall, the quality and coverage of data in the collection are good. In 2012–13, of the 27 data tables in the aggregate collection, only 4 did not contain data for all jurisdictions, with New South Wales unable to provide data for 2 tables, Western Australia for 1, and Victoria able to provide only partial data for 1 table. In 2012–13, only 5 tables contain data recorded as ‘unknown’; no tables had an ‘unknown’ category, which comprised more than 5% of the data supplied.

## Coherence

The Adoptions Australia collection was initially developed in 1993. The report series started when the AIHW took over the national adoptions data collection in 1993. The first three editions were published in 1993 and 1994 (as data were collected back to 1990–91), and from 1995 one edition has been released annually. Before this, national adoptions data were collected and reported (briefly) by two other organisations: WELSTAT (from 1987–88 to 1989–90) and the Australian Bureau of Statistics (ABS), (from 1979–80 to 1984–85). No national data were collected in 1985–86 and 1986–87, resulting in a break in trend data for these years.

From the 1998–99 report onwards, the categories of adoption used in the *Adoptions Australia* publications differ from those in previous publications. The categories were changed to better reflect the types of adoptions that occur, and to bring the terminology more in line with that used by state and territory departments responsible for adoption. However, the new categories of adoption introduced in 1998–99 are still able to be mapped to those reported before this period, allowing a break in trend data to be avoided. Refer to *Adoptions Australia 2008–09* for further details (AIHW 2010a).

Those tables that have been consistently collected from 1990–91 onwards are comparable. In addition, data standards were carried over from the ABS *Adoptions Standards* (March 1982), allowing comparable data from the years before the AIHW collection to be incorporated into trends reporting. The report series uses the long history of data collection to analyse trends

over a 25-year period in order to capture the effect of changes to local and international societal views and policies.

In 2003–04, additional tables on the intercountry adoption process were included in the Adoptions Australia national collection template. However, before 2011–12, these data were not published as part of the *Adoptions Australia* report. In 2011–12, by agreement with the state and territory data custodians, these data were incorporated into the *Adoptions Australia* report (including trend data back to 2007–08).

From 2000 to 2007, the AIHW also provided the AGD with a detailed report on finalised intercountry adoptions from Hague countries as part of Australia’s reporting responsibilities under the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption. In 2008–09, tables with continuing relevance were incorporated into the main *Adoptions Australia* report and the separate report was ceased.

In 2010, the AGD also began collecting data on activity in each intercountry adoption program from the states and territories on a 6-monthly basis. The data are reported on a calendar year basis and include the total number of approved intercountry adoption applications, files sent overseas and placement proposals. The AIHW *Adoptions Australia* report does not include placement proposals. Placement proposals refer to when a partner country matches a child (or children) with Australian parents, and a formal placement proposal is sent to Australia. Placement proposals do not always refer to a single child—a proposal may refer to a sibling group, and there will be a delay between a placement proposal’s being accepted and the child’s arrival in Australia (AGD 2013g). While both the AGD collection and Adoptions Australia collection contain information on the number of adoption applications and files sent overseas, there are differences in the reporting periods of the two collections and in the definitions underlying the data. For example, the AGD count of applications is for the calendar year and includes applications with an assigned country of origin already sent and waiting overseas and applications approved but queued in Australian. In contrast, the applications data reported in the *Adoptions Australia* reports are for the financial year and include only new applications approved by the department during this period, regardless of whether a country of origin has been assigned. Therefore, caution should be exercised when comparing these data.

# Glossary

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

**Adoption compliance certificate:** a certificate defined by both the *Family Law (Hague Convention on Intercountry Adoption) Regulations 1998* and the *Family Law (Bilateral Arrangements – Intercountry Adoption) Regulations 1998* – essentially, a document issued by competent authorities in the overseas country where the child was adopted that affirms that the adoption is made either under the Hague Convention or the country's laws, and that the relevant authorities have agreed to the adoption.

**Adoption order:** 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:** 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, this is the age when the adoption order for the child was granted. 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.

**Applicant:** a married couple, a de facto couple or a single person. The method by which the applicant becomes an 'official client' will vary for each jurisdiction, and may be when the department first opens a file, when the applicant registers, or when the applicant is invited to attend an information session. For the purpose of this report, applicants who are already a client of the department but are applying to adopt a subsequent child, or reapplying to adopt, are counted as applicants applying for the first time.

**Arranging body:** an agency authorised under adoption legislation to decide on 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 arranging body** and **non-government arranging body** (see separate entries).

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

**Central Authority:** an officially designated body responsible for discharging the duties imposed by the Hague Convention; all countries that are party to this Convention on intercountry adoption must have such a body. The Australian Central Authority is the Australian Government Attorney-General's Department. As Australia is a federation, a Central Authority has also been designated in each state and territory.

**Country of origin:** the country of habitual residence of the child being adopted. This will generally be the country of birth of a child.

**De facto relationship (adoptive parents):** an arrangement where two adoptive parents, who are not legally married, live together in a de facto relationship as defined by the state or territory in which they live.

**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.

**Disruption:** an adoption process that ends after the child is placed in an adoptive home and before the adoption is legally finalised, resulting in the child's return to (or entry into) state care or placement with new adoptive parents.

**Dissolution:** an adoption that ends after it is legally finalised, resulting in the child's return to (or entry into) state care or placement with new adoptive parents.

**Expatriate adoption:** a specific type of adoption that occurs when an Australian citizen or permanent resident living abroad for 12 months or more adopts a child through an overseas agency or government authority. Australian adoption authorities are not responsible for expatriate adoptions, and do not assess or approve applicants for such adoptions.

**Finalised adoption:** a child who was the subject of a finalised adoption order during the reporting period. This includes orders that were made in Australia and, in the case of some intercountry adoptions, where the full adoption order was made in the country of origin. The way in which an adoption is finalised depends on the process used in the country of origin and the procedures of the state or territory departments responsible for adoption in Australia.

**Full adoption order in child's country of origin:** an adoption in the child's country of origin made by an order that creates, between the child and the adoptive parent(s), the relationships of parent and child, and that severs the relationship between the child and the biological parents.

**Government arranging body:** a state or territory department (see Acknowledgments) or another government authority authorised under adoption legislation to decide on the placement of an adoptive child.

**Guardianship/custody order (parental responsibility order):** an order that involves the transfer of legal guardianship from the child's parents to the relevant state or territory department or Minister, or non-government agency. Such an order involves considerable intervention in the child's life and that of their family, and is sought only as a last resort. A guardianship order conveys responsibility for the welfare of the child to the guardian (for example, regarding the child's education, health, religion, accommodation and financial matters). It does not necessarily grant the right to the daily care and control of the child, or the right to decide on the daily care and control of the child, which are granted under custody orders.

A custody order generally refers to an order that places children in the custody of the state or territory Minister, or department responsible for child protection, or non-government agency. This order usually makes the child protection department responsible for the daily care and requirements of the child, while the parent retains legal guardianship. Custody alone does not bestow any responsibility regarding the long-term welfare of the child.

**Guardianship order in child's country of origin:** an order made in the child's country of origin that creates a custodial relationship between the adoptive parent(s) 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.

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

**Hague Convention (intercountry adoption):** a convention – specially, the *Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption* – that 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. It came into force in Australia on 1 December 1998.

An intercountry adoption is classified as a **Hague** or **non-Hague adoption** (see separate entries).

**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 in which he or she lives. Where a person's Indigenous status is unknown, that person is included in the category 'Other Australian'.

**Intercountry adoption:** an adoption of a child/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 parent(s). There are two categories of intercountry adoptions: **Hague adoption** and **Non-Hague adoption** (see separate entries). There are two arrangements for intercountry adoptions: **full adoption order in child's country of origin**, and **guardianship order in child's country of origin** (see separate entries).

**Known child adoption:** an adoptions of a child/children who were born or permanently residing in Australia before the adoption, 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**, **relative(s)**, **carer** and **other** (see separate entries).

**Local adoption:** an adoption of a child/children born or permanently residing in Australia before the adoption who are legally able to be placed for adoption but who generally have had no previous contact or relationship with the adoptive parent(s).

**Marital status of adoptive parent(s):** applicable status at the time the child is placed with the adoptive parent(s), using one of the following categories: **registered marriage**, **de facto relationship** and **single** (see separate entries).

**Marital status of birth mother – married:** the classification of the birth mother if she was legally married (regardless of whether she is married to the birth father) at the time of the child's birth. In situations where the birth mother's legal marital partner died before the birth, the birth mother is still classified as 'married'.

**Marital status of birth mother – unmarried:** the classification of the birth mother if she was not legally married at the time of the child's birth (except in circumstances where the birth mother's legal marital partner died before the birth). This includes situations where the birth mother was living in a de facto relationship.

**Non-government arranging body:** 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.

**Non-Hague adoption:** an adoption where the Hague Convention had *not* entered into force in the adoptive child's country of origin before the file of the applicant(s) was sent.

**Other (known adoption):** an adoption for a child/children adopted by the commissioning (surrogate) parents, whether the commissioning parent(s) is/are a relative or not.

**Partner country:** a country with which Australia has a current intercountry adoption program.

**Permanent care order:** an order granting 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.

**Placement:** the act of placing a child/children, regardless of the status of their adoption order, with their adoptive family during the reporting period. 'Placed with their adoptive family' refers to when the child enters the home.

**Registered marriage (adoptive parents):** the status of two adoptive parents who are legally married to each other and living together at the time of placement of the child.

**Relative(s) (known adoption):** any relative(s) of the child being adopted, other than step-parents. For Indigenous children, a 'relative' includes anyone related through kinship arrangements.

**Single (adoptive parents):** the status of an adoptive parent who is not legally married or living in a de facto relationship; may also include widowed parents.

**Special needs adoption:** an adoption of a child/children and young people who:

- exhibit a range of physical, intellectual or cognitive disabilities that require interventions in the domains of learning and development
- have conditions that are deemed to pose potential barriers to permanent placement and/or affect the outcome of an adoption, such as behavioural disorders, one or more diagnosed severe medical conditions, being part of a sibling group that is to be placed with the same adoptive family, or being older children.

**Step-parent (known adoption):** a category of known adoption that includes a non-biological parent who is the spouse of the child's natural parent or previously adoptive parent. Foster parents are not included in this category.

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## Related publications

This report, *Adoptions Australia 2012–13*, is part of an annual series. Earlier editions can be downloaded free from the AIHW website. The website also includes information on ordering printed copies < <http://www.aihw.gov.au/adoptions-publications/>>.

Additionally, a one-page snapshot of the main findings for the current year is presented on the AIHW website at < <http://www.aihw.gov.au/adoptions/>>.

The following AIHW publications relating to children, youth and families might also be of interest:

- AIHW 2013. Child protection Australia 2011–12. Child welfare series no. 55. Cat. no. CWS 43. Canberra: AIHW.
- AIHW 2012. A picture of Australia's children 2012. Cat. no. PHE 167. Canberra: AIHW.
- AIHW 2012. Children and young people at risk of social exclusion: links between homelessness, child protection and juvenile justice. Data linkage series no. 13. Cat. no. CSI 13. Canberra: AIHW.
- AIHW 2011. Educational outcomes of children under guardianship or custody orders: a pilot study, stage 2. Child welfare series no. 49. Cat. no. CWS 37. Canberra: AIHW.
- AIHW 2011. Headline indicators for children's health, development and wellbeing 2011. Cat. no. PHE 144. Canberra: AIHW.
- AIHW 2010. Health and wellbeing of young Australians: indicator framework and key national indicators. Bulletin no. 77. Cat. no. AUS 123. Canberra: AIHW.

This report contains comprehensive information on adoptions in Australia, including the characteristics of adopted children, adoptive families and birth mothers. It also reports on the processing times for intercountry adoption, as well as on applications and vetoes lodged by parties to adoptions concerning contact and information exchange.

During 2012–13, there were 339 finalised adoptions across Australia. Among these adoptions:

- 46% were `known' child adoptions, 38% were intercountry, and 16% were local
- 84% of intercountry adoptees came from Asia
- 52% of `known' adoptions were by carers, such as foster parents
- 51% of adopted children were aged under 5.