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**Australian Institute of
Health and Welfare**

Adoptions Australia 2015–16

CHILD WELFARE SERIES NO. 65



Australian Government

**Australian Institute of
Health and Welfare**

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

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Please check the online version at <www.aihw.gov.au> for any amendments.**

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

The Australian Institute of Health and Welfare (AIHW) 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, or to Intercountry Adoption Australia <www.intercountryadoption.gov.au/>.

Abbreviations

AGD	Australian Government Attorney-General's Department
AIHW	Australian Institute of Health and Welfare
DCCSDS	Queensland Department of Communities, Child Safety and Disability Services
DHHS Tas	Tasmanian Department of Health and Human Services
DHHS Vic	Victorian Department of Health and Human Services
F	female
IAA	Intercountry Adoption Australia
M	male
P	persons

Symbols

–	nil or rounded to zero
..	not applicable
<	less than

Summary

Adoption numbers continued to decline

In 2015–16, 278 adoptions were recorded as finalised. This is the lowest annual number of adoptions on record, and is a fall of 5% from the 292 adoptions in 2014–15, and of 74% from the 1,052 adoptions 25 years earlier, in 1991–92. The decline over the past decade has been driven primarily by intercountry adoptions, which fell to 82 in 2015–16 from 406 in 2006–07.

Over half of all adoptions were known child adoptions

While adoption numbers overall have declined, ‘known child’ adoptions – where the child is already known to the adoptive parent(s) – have increased over the past decade, from 104 in 2006–07 to 151 in 2015–16. These adoptions comprised over half (54%) of all finalised adoptions in 2015–16. Slightly more of these children were adopted by a step-parent (50%) than a carer such as foster carer (46%).

Local and intercountry adoptees were younger than known child adoptees

Adoption of Australian children not known to their adoptive parents are called ‘local’ adoptions. In 2015–16, 45 local and 82 intercountry adoptions were finalised, representing 16% and 29% of all adoptions, respectively. All local adoptees, and 71% of intercountry adoptees, were aged under 5. The majority of known child adoptees (91%) were aged over 5.

Intercountry processing times have fallen from last year

The median length of time to complete an intercountry adoption had been increasing since 2007–08 (when data were first reported). It peaked at 5 years and 4 months in 2014–15 and then fell to 3 years and 5 months in 2015–16.

The median length of time varied considerably across countries, ranging from more than 2.5 years for South Korea to almost 7 years for Thailand.

Intercountry adoptions—90% were from Asian countries

The main country of origin for intercountry adoptions has changed over time. Between 2006–07 and 2010–11, the main country of origin was either China or the Philippines; since then it has varied between Taiwan and the Philippines. In 2015–16, the most common countries of origin were the Philippines, providing 24% of intercountry adoptions, followed by Thailand (22%), Taiwan (20%) and South Korea (17%).

Few Indigenous children are adopted each year

In 2015–16, only 3 Indigenous children had adoption orders finalised in Australia, with 130 Indigenous children adopted since 1991–92.

1 Introduction

1.1 Adoptions in Australia

Adoption is a legal process involving the transfer of the rights and responsibilities for the permanent care of a child from the child's parent(s) to their adoptive parent(s). When an adoption order is granted, the legal relationship between the child and the parent(s) is severed. Any legal rights that existed from birth regarding the birth parent(s), such as inheritance, are removed. In relation to the adoptive parents, the legal rights of the adopted child become the same as they would be if the child had been born to the adoptive parent(s). A new birth certificate may be issued for the child recording the name(s) of the adoptive parent(s) as the legal parent(s) and, if given, the new name of the child.

Patterns of adoption have been changing within Australia over the last few decades. These changing patterns are due to a complex interplay of factors, including, among others, contraception and legalised abortion, the availability of financial support for unwed mothers, a reduction in stigma around children born outside marriage, the end of forced adoption practices, the increasing labour force participation of women, and reproductive innovations (Carmichael 2014; Constantinidis & Cook 2012; Kenny et al. 2012; Mills et al. 2011). When combined with parents postponing having children, and the consequent reduction in fertility rates, these factors have led to fewer children being in need of adoption at the same time as more families are seeking to adopt (Ertman 2015; Schmidt et al. 2012). In recent years, further change has resulted from initiatives by some jurisdictions to improve the outcomes for children in out-of-home care through the use of adoption by carers (see Section 1.2).

Patterns of intercountry adoption have also changed. International conventions, such as 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, along with social trends and changing social attitudes, support children remaining either with their families or within their country of origin. This has reduced the number of children in need of intercountry adoption. While there is variation across countries, in general, older children, sibling groups and those with special needs represent a growing proportion of the children for whom intercountry adoption will occur (Mignot 2015).

Another key change, within the adoption process itself, has been in the levels of secrecy attached to the process and between parties to an adoption. The secrecy that surrounded past adoptions of Australian children has largely given way to a system focused on the needs of the child, characterised by the open exchange of information. Adoptive parents openly discussing adoption-related issues with an adopted child has been recognised for some time as beneficial for the child's adjustment (Brodzinsky 2006; Child Welfare Information Gateway 2013; Passmore et al. 2009; Siegel & Livingston Smith 2012). Access to the adopted child by parties to an adoption (referred to in this report as an 'open' adoption) is facilitated in all states and territories, although the degree to which this occurs varies across the jurisdictions (Appendix B.2).

1.2 Recent developments

Carer adoptions

A relatively recent change to the pattern of adoption in Australia can be seen among known child adoptions, where the rate of carer adoption has been increasing. This reflects the desire to provide permanency of placement for children in out-of-home or foster care environments (Munro & Manful 2011).

Since 2012–13, ‘known’ child adoptions have made up a growing proportion of all adoptions in Australia (see Section 3.4). Various legislative changes within jurisdictions, associated with adoption by carers, underpin this growth. For example, on 1 April 2014, following extensive consultation with the public and the child protection sector, the New South Wales Parliament enacted the *Child Protection Legislation Amendment Act 2014*. The amendments make the process of adopting children and young people in out-of-home care a more streamlined process. New South Wales has 2 pathways to adoption for a child or young person in out-of-home care:

- the *authorised carer* pathway, where a person who is currently a carer is authorised to adopt the child or young person in their care, where this child is under the parental responsibility of the Minister to 18 years
- the *dually authorised carer* pathway, where a person is dually authorised both as a foster carer generally (that is, not necessarily as the carer of a specific child), and as a prospective adoptive parent(s) (AIHW 2016b).

Amendments to the *Adoption Act 1994* in Western Australia (effective late 2012) reintroduced relative adoption as a legislative option to secure long-term permanent care for children, and strengthened the carer adoption process. Carers or relatives must meet the eligibility requirements and have cared for the child for at least 2 years (previously 3 years). The court must first be satisfied that the child’s adoption would be preferable to certain orders, such as a protection order (special guardianship).

Australian jurisdictions differ in the extent to which they use adoption as a measure to improve permanency and stability for children in out-of-home care. Some jurisdictions have focused on improving stability and permanency for these children through long-term care and protection orders that transfer guardianship and custody of a child. The use of permanent care orders in Victoria, for example, as an alternative to adoption, was first reported in *Adoptions Australia 1994–95* (see Section 4.3).

Intercountry Adoption Australia

Intercountry Adoption Australia (IAA), established by the Australian Government, has been in operation since 18 May 2015. IAA is operated by the Australian Government’s Department of Social Services. It provides information and advice to individuals and families involved in intercountry adoption, including families considering adopting, families who have adopted and adoptees themselves and connects them with services and resources. The service consists of:

- a free 1800 information line operated by qualified social workers who provide general support, help with immigration, citizenship and passport processes, and referrals to support services

- a national website, <www.intercountryadoption.gov.au>, which provides an overview of the intercountry adoption process, partner countries, things to consider when adopting, access to state or territory government information, and links to support services (IAA 2016a).

State and territory Central Authorities remain responsible for adoption legislation, and consequently manage adoption applications, assess the eligibility and suitability of those seeking to adopt children from overseas, and process their applications.

The Australian Government Attorney-General's Department (AGD) is responsible for enabling the performance of Australia's responsibilities under the Hague Convention (including that intercountry adoption occurs in the best interests of the child). The department has historically managed country programs. However, from 1 January 2017, management of country programs will transition to the Australian Government Department of Social Services. For further information see 'Chapter 2.2 Adoption legislation and processes'.

1.3 Data sources and processes

The Australian Institute of Health and Welfare (AIHW) Adoptions Australia data collection is the authoritative source of national adoptions data for Australia. This report presents data extracted from the administrative systems of each state and territory department responsible for adoptions, according to definitions and technical specifications agreed by the jurisdictions and the AIHW. The Glossary provides definitions in use.

The Australian Government Department of Immigration and Border Protection provided data on adoption visas issued in 2015–16. However, confidentiality provisions of the *Australian Border Force Act 2015* have resulted in reduced detail for reported visa data, compared with historically available data.

It should also be noted that due to the size of the target population of this collection, some analyses contain small counts. These data have been cleared for release by the state and territory departments responsible for adoption and, in some 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.

1.4 Report structure

This report has 4 chapters:

- Chapter 1 – an introduction to adoption
- Chapter 2 – an overview of adoption processes in Australia
- Chapter 3 – detailed data on adoption in 2015–16
- Chapter 4 – trends in adoption in Australia, including alternatives to adoption.

Appendix A provides more detailed statistical tables, Appendix B summarises each state and territory's adoptions legislation, Appendix C lists the countries party to the Hague Convention, and Appendix D provides a Data Quality Statement.

2 Adoptions in Australia

The words used to describe the parents of children placed for adoption carry sensitivities for all parties to an adoption. Both birth and adoptive parents can appropriately be referred to as 'parents'. In this report, 'mother', 'father' or 'parent' is used to describe the parents who gave birth to the child.

'Adoptive mother, father or parent' is used to describe the parent who has adopted the child. In a minority of cases, 'birth mother', 'birth father' or 'birth parent(s)' have been used for clarity. The children who have been the subject of an adoption order are referred to as 'adopted children' or 'adoptees'.

2.1 Categories of adoption

There are 3 categories of adoption in the AIHW Adoptions Australia data collection:

- **Intercountry adoptions** are adoptions of children from countries other than Australia who are legally able to be placed for adoption (Section 2.2), but 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** are adoptions of children who were born or permanently residing in Australia before the adoption, are legally able to be placed for adoption, but generally have had no previous contact or relationship with the adoptive parent(s).
- **Known child adoptions** are 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 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.

Data on intercountry known child adoptions are not consistently available, due to the limited involvement of Australian adoption authorities, and so are largely outside the scope of this report. For more information on the data that are available, see 'Expatriate adoptions' in Section 3.2.

2.2 Adoption legislation and processes

A child can legally be adopted if all the necessary consents to the child's adoption have been obtained or dispensed with (dispensation refers to the legal process in which 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. Eligibility requirements to adopt a child vary between jurisdictions (see Appendix B.1), as do eligibility requirements set by countries of origin for intercountry adoptions (IAA 2016b).

Intercountry adoptions

Legislation and responsibilities

The adoption process for intercountry children is strictly controlled:

- by each state and territory under the relevant state 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.

Since December 1998, Australia has been a party to the Hague Convention, which establishes:

- standards and procedures between countries, including legally binding standards and safeguards
- a system of supervision to ensure that these standards and procedures are observed
- channels of communication between authorities in countries of origin and receiving countries for children being adopted, and
- principles that focus on the need for intercountry adoptions to occur only where it is in the best interests of the child and with respect for their fundamental rights, and to prevent the abduction, sale of, or traffic in children.

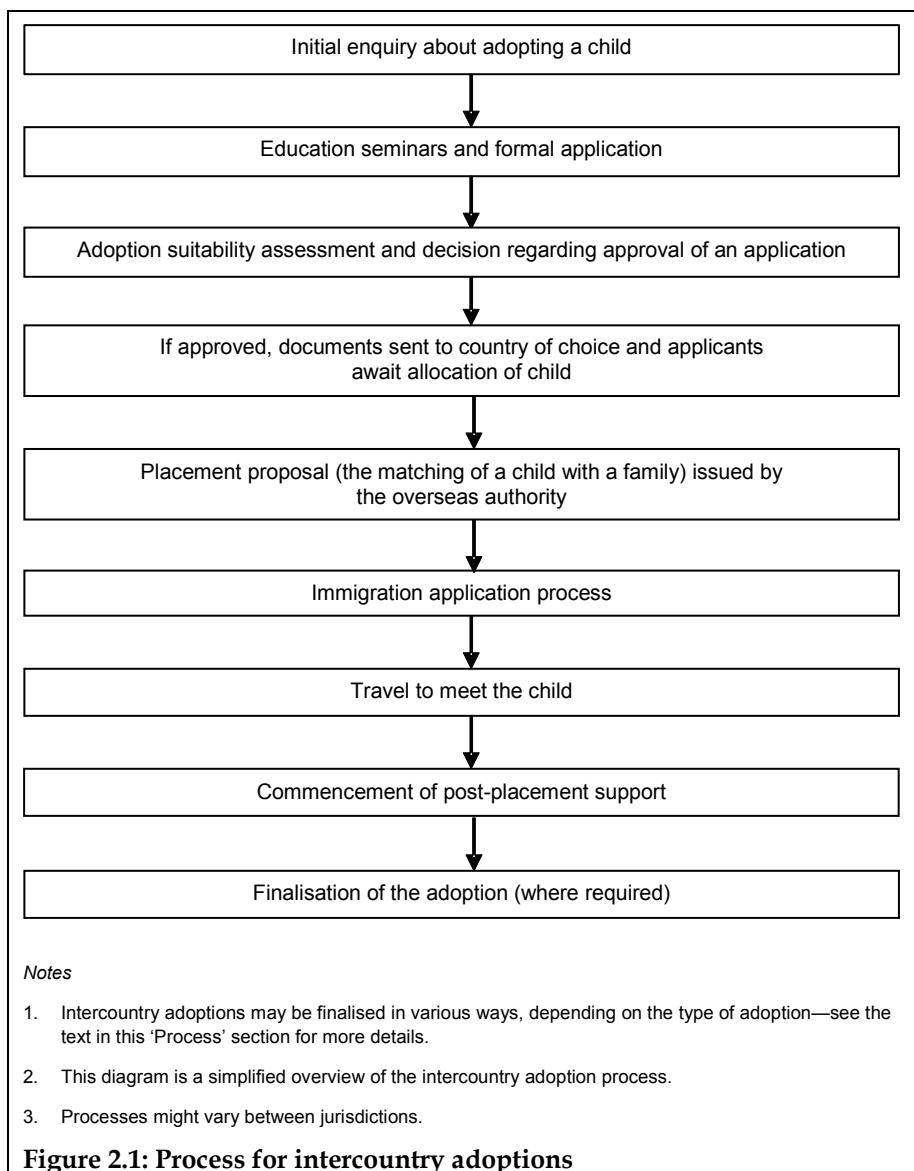
A list of countries currently party to the Hague Convention is provided at Appendix C.

The AGD – the Australian Central Authority for the Hague Convention in Australia – is responsible for enabling the performance of Australia’s responsibilities under the Hague Convention. In accordance with their responsibilities for intercountry adoption, each state and territory has also established a Central Authority under the Hague Convention.

In 2015–16, the AGD had primary responsibility for establishing and managing Australia’s intercountry adoption arrangements. The state and territory governments process adoption applications, and assess and approve prospective adoptive parents.

Process

Although each state and territory has its own legislation for 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.



Countries of origin have eligibility requirements for adoptive parents, in addition to those set by Australian state and territory adoption authorities. These requirements vary between countries and include, but are not limited to, the age of parents, marital status, current family structure and nationality or ethnic background. Fees associated with intercountry adoption vary depending on the country of origin of the child, are subject to change and are affected by various factors. Details on country programs, including eligibility and fees, are on the IAA website (IAA 2016b).

Waiting periods, between when a partner country receives an application and when applicants are matched with a child, are influenced by several factors that are outside the control of Australian authorities. These include the number and characteristics of children in need of intercountry adoption, the number of applications received and the resources of the overseas authority. Waiting times for intercountry adoptions vary between countries. Families can often wait 3 to 5 years from the time they apply to the overseas country to when they are matched with a child (see 'Processing times for children placed during 2015-16' in Section 3.2 and 'Processing times' in Section 4.1).

An intercountry adoption may be finalised in various ways. In some cases, 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. Full adoption orders made in Taiwan and South Korea (the non-Hague countries with which Australia has bilateral arrangements) are also automatically recognised in Australia, if the relevant state or territory authority has agreed that the adoption can proceed.

Alternatively, some children, whose adoptions are not recognised automatically under Australian family law, enter Australia under the care of a prospective adoptive parent. In this case, the federal Minister for Immigration and Border Protection becomes the legal guardian of the child when they arrive in Australia under what is termed a guardianship order. This guardianship is usually delegated to the relevant state or territory central adoption authority. 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, the adoption is finalised in Australia.

Australia's intercountry adoption programs

As at mid-2016, Australia had active intercountry adoption programs with 13 countries: Bulgaria, Chile, China, Colombia, Hong Kong, Latvia, the Philippines, Poland, South Africa, South Korea, Sri Lanka, Taiwan and Thailand. For much of 2011–12, an Ethiopian program was also in operation. This was closed on 28 June 2012, affecting subsequent numbers of finalised adoptions from Ethiopia (see 'Section 4.1 Trends in categories of adoptions').

Not all of the countries with which Australia has an adoption program are parties to the Hague Convention. However, programs are established where Australia can be satisfied that the principles of the Hague Convention are being met, regardless of whether the country is a signatory. In this context, bilateral arrangements exist with South Korea and Taiwan, which are not party to the Hague Convention (South Korea signed the Hague Convention in May 2013, but had not finished implementing all requirements by the end of 2015–16).

Ad hoc requests and private adoptions

Requests to adopt children from countries with which Australia does not have an existing intercountry adoption program are referred to as 'ad hoc requests'. The relevant state or territory Central Authority considers these on a case-by-case basis.

As a general principle, individual ad hoc requests for intercountry adoption are likely to be considered only in exceptional circumstances, as they are not consistent with Australia's management of intercountry adoption. 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 can make a formal application for adoption and be assessed for 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.

State and territory Central Authorities do not support adoptions arranged through a privately contracted adoption agency, or those that do not go through a government's Central Authority – known as private adoptions. Adoptions to Australia must either be

approved by a state or territory Central Authority or meet Australian immigration requirements for expatriate adoption (DIBP 2016) (see 'Expatriate adoptions' in Section 3.2).

Local adoptions

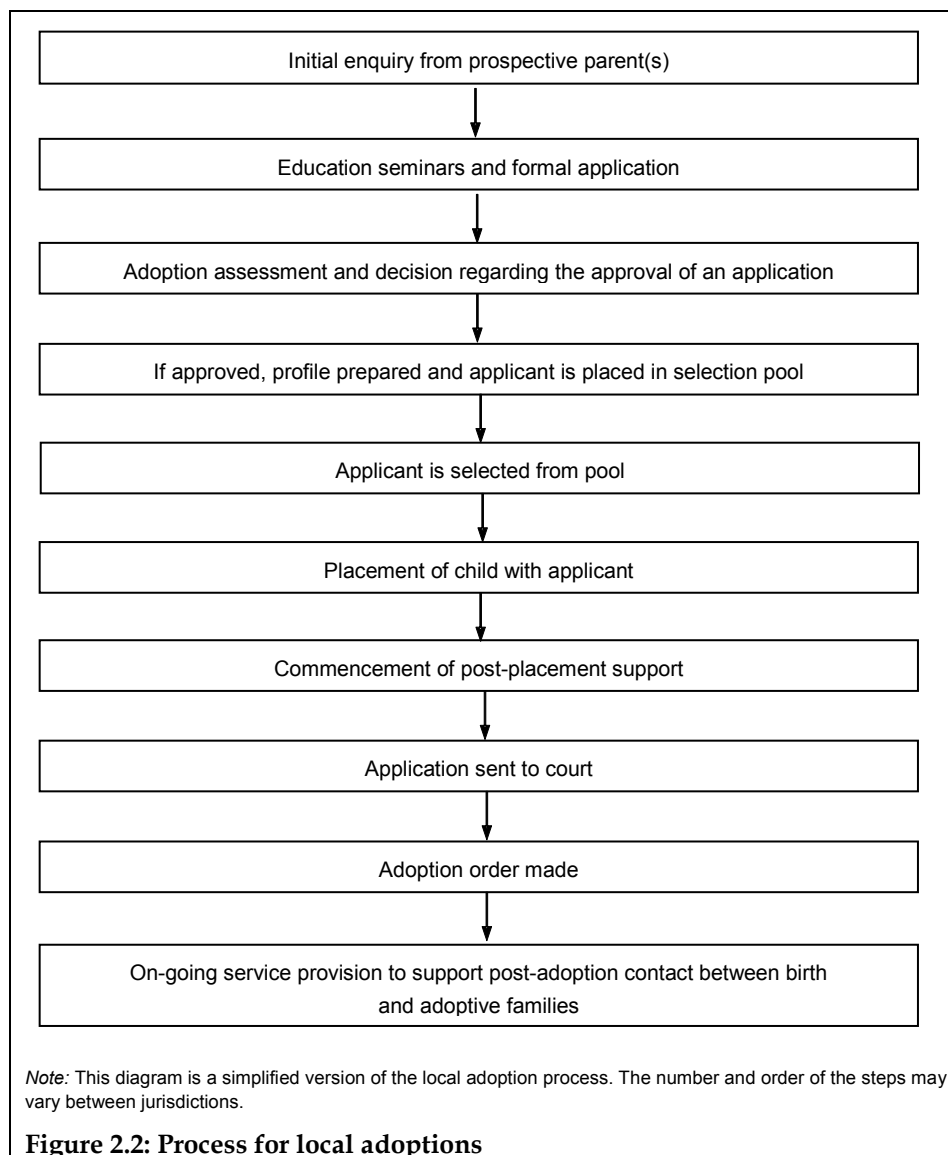
Legislation and responsibilities

Each state and territory has legislation governing local adoption practices – an outline of the legislation for each jurisdiction is provided at Appendix B. The individual state or territory authority for adoption works to ensure that local adoption practices follow the regulations set out by its jurisdiction.

For local adoptions, in most cases, the responsible state or territory department will be the guardian of a child for whom general consents for adoption have been signed. For some approved non-government adoption agencies, the agency's principal officer will be the guardian. 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 shows the process involved in placing local children with prospective adoptive parent(s), although the precise order of the steps might 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 a 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. The role of the department varies between jurisdictions when administering adult adoptions (see Appendix B.1). As a result, 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 when a child is to be permanently cared for by another relative, such as

permanent care and guardianship/custody orders. Adoptions by relatives are generally discouraged, as they might confuse and distort biological relationships. For example, if a child was adopted by their grandmother, the birth parent would legally become the child's sibling.

That said, in most states and territories, legislation does allow carers or relatives other than step-parents to adopt a child. In the past, this was only in exceptional circumstances—that is, when a parental responsibility order would not adequately provide for the welfare of the child (see Appendix B.1). However, this is changing in some jurisdictions, particularly for carer adoptions.

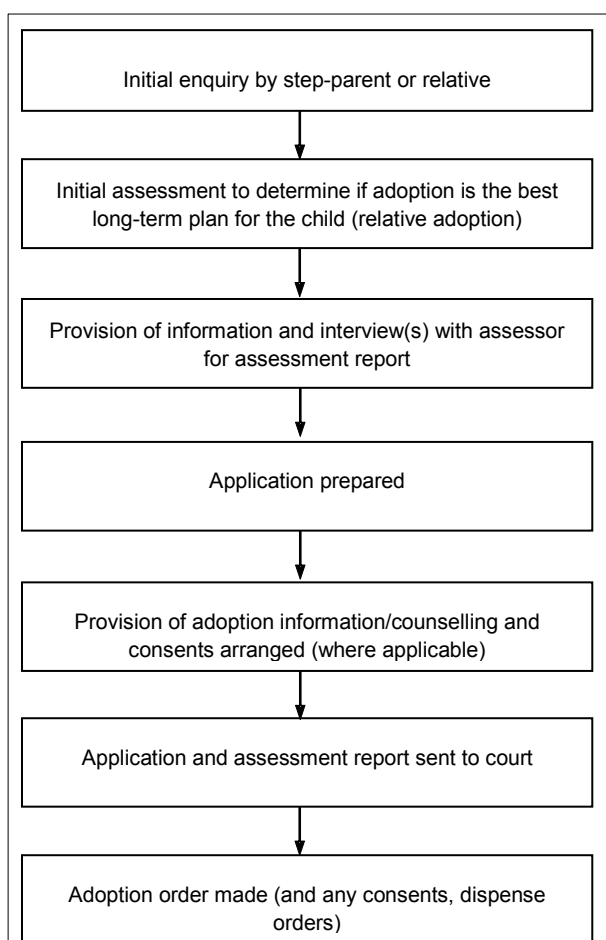
In the case of Indigenous children, jurisdictions have additional legislation or regulations that help determine whether an adoption should be considered over other arrangements, such as the use of an alternative legal order.

Known child adoptions by people who are not carers or relatives, such as by commissioning (surrogate) parents, are uncommon in Australia. These adoptions are captured in this report under the 'Other' category in known child adoptions.

Process

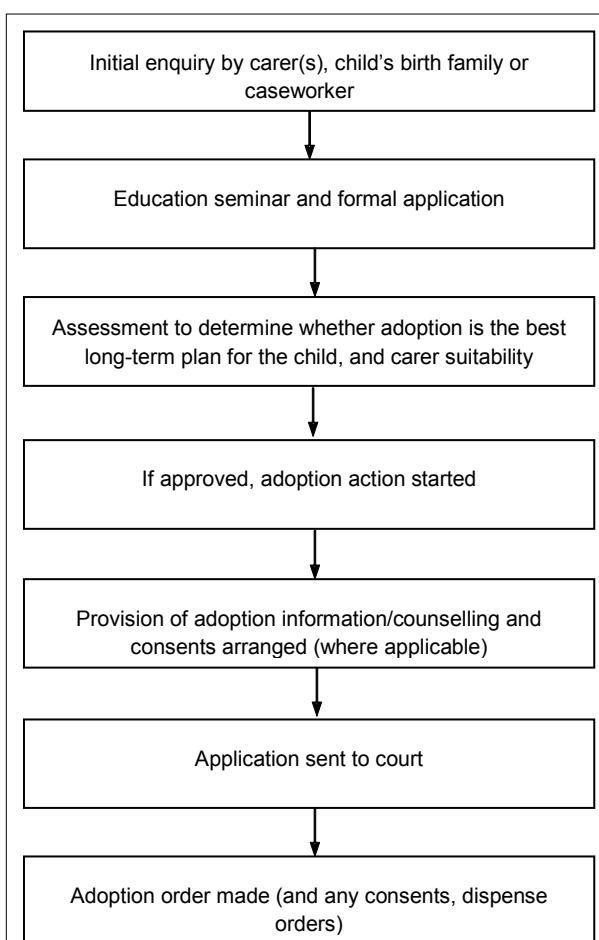
Each state and territory has its own process for the adoption of known children. The most common types of known child adoptions are step-parent adoptions and carer adoptions. Figure 2.3a broadly shows the process for adoptions by step-parents and other relatives (intrafamilial adoptions). In some jurisdictions, the department responsible for adoption has limited involvement in this process, with prospective parents responsible for preparing and lodging their own applications directly with the court. Figure 2.3b broadly shows the process for adoptions by carers, such as foster parents.

In both cases, the precise order of the steps might vary slightly between jurisdictions. Further, some of the additional complexities associated with adoptions by carers are not shown.



Note: This diagram is a simplified overview of the step-parent or relative adoption process. The number and order of the steps may vary between jurisdictions.

Figure 2.3a: Process for step-parent and relative known child adoptions



Note: This diagram is a simplified overview of the carer known child adoption process (principally foster parent adoptions). The number and order of the steps may vary between jurisdictions.

Figure 2.3b: Process for carer known child adoptions

2.3 Motivations and expectations around adoption

People have many reasons for adopting, and these can influence the type of adoption that prospective adoptive parents choose over alternative options (including fostering). It has been argued that intercountry adoption, in particular, began as a humanitarian response to children in disasters but has become an accepted way of forming a family in many western countries (Fronek & Cuthbert 2012; Young 2012b).

In addition to humanitarian or altruistic motives, parents give many reasons for choosing adoption, including the desire to be a parent, infertility or simply wanting to adopt (Malm & Welti 2010; Welsh et al. 2008).

Research on why current and prospective adoptive parents choose a particular type of adoption has found differing views about the potential advantages of one type of adoption over others.

Many parents viewing intercountry adoption as the most attractive option give reasons for this preference that include the belief that having birth parent(s) involved would complicate local adoptions and fostering (Malm & Welti 2010; Welsh et al. 2008; Young 2012a; Zhang & Lee 2011). And while complex backgrounds may have been viewed as social problems in relation to foster children, they were perceived by some as interesting challenges for children in intercountry adoptions (Young 2012a; Zhang & Lee 2011). Many also believed intercountry adoption created permanent, lifelong bonds (compared with the perceived impermanent bonds associated with fostering), and that more children were in need overseas than in Australia (Young 2012a).

Further, many prospective adoptive parents had a strong desire for a younger baby, partly because they thought older children would have more health and behavioural problems, and often believed finding a younger child was more likely through intercountry adoption. Research in the United States of America has also found that parents perceived that local adoptions took longer and were more complex than intercountry adoptions (Malm & Welti 2010; Zhang & Lee 2011).

These perceptions are not necessarily supported by available data. For example, although national data on processing times for local adoptions are not currently available in Australia, data for intercountry adoptions reveal a long offshore process, with an average waiting time of more than 3 years. Further, national data for Australia indicate relatively few intercountry adoptees are infants under 12 months (7 of the 82 intercountry adoptees in 2015–16 were under 12 months), while a higher proportion of local adoptees are younger (21 of the 45 local adoptees in 2015–16 were under 12 months). These data are explored in greater detail in the following sections.

Those who chose local over intercountry adoption often believed they would be more likely to adopt a healthy child. A recent study looking at parental perceptions of developmental disabilities in internationally adopted children 10 years after adoption, found that even meticulous pre-adoption screening of internationally adopted children does not preclude developmental problems appearing in later childhood (Diamond et al. 2015).

Among those who chose to foster rather than adopt, the lower cost or faster outcome were often cited as main reasons for the choice (Malm & Welti 2010). However, fostering and adoption do lead to different outcomes legally and in terms of relationships with the child's family of origin, which also requires consideration.

Lastly, the full impact of the advent and increased use of assisted reproductive technologies (including in-vitro fertilisation and maternal surrogacy) may result in further changes to preferences and hence patterns of adoption over time (Cohen & Chen 2010; Deonandan & Bente 2014).

3 Detailed analysis of adoptions in Australia in 2015–16

Key findings

- There were 278 adoptions in Australia in 2015–16.
- In all, 29% of all adoptions were intercountry, and 71% were of Australian children (54% known child and 16% local adoptions^(a)).
- Slightly more known child adoptions were by step-parents (76) than carers (70).
- A large percentage (71%) of intercountry adoptees and all local adoptees were under 5 years, whereas most known child adoptees were 5 and over (91%).
- The average waiting time for families adopting from overseas was more than 3 years.
- In local adoptions, 48% of adoptive parents were aged over 40 and more than 80% of those in intercountry adoptions were also over 40.

(a) Percentages do not sum to 100 due to rounding.

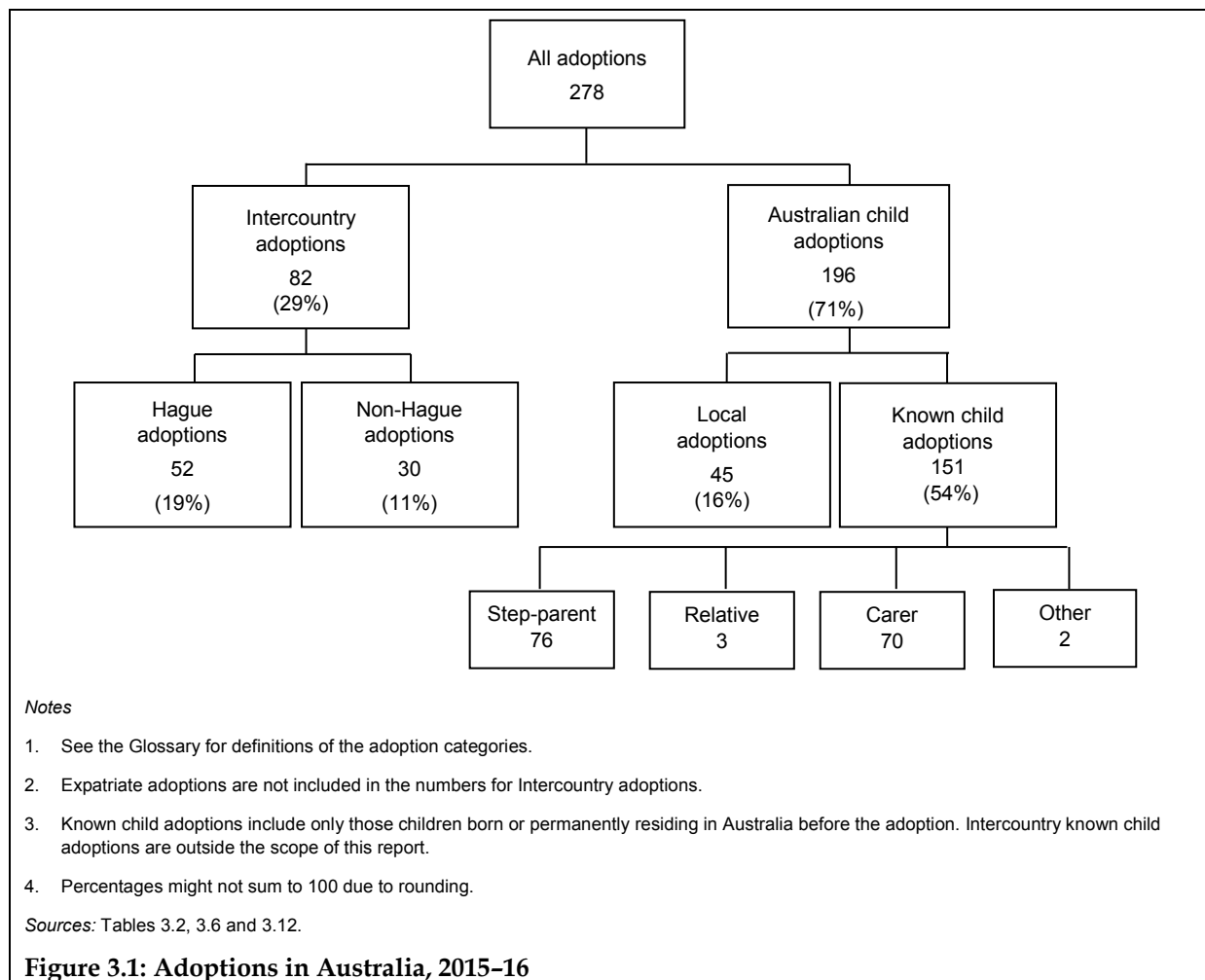
This chapter provides an in-depth analysis of intercountry, local and known child adoptions in Australia in 2015–16. Given the small numbers involved, there can be volatility in the data observed from year to year. Due to this, changes identified over short periods (such as a single year) reported in this chapter should be interpreted with caution.

Chapter 4 focuses on trends over longer periods, 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 2015–16

In 2015–16, there were 278 adoptions of children finalised in Australia. This is the lowest annual number of adoptions on record, representing a fall of 5% from 292 in 2014–15 and 74% from the 1,052 adoptions recorded 25 years earlier, in 1991–92 (Table A1).

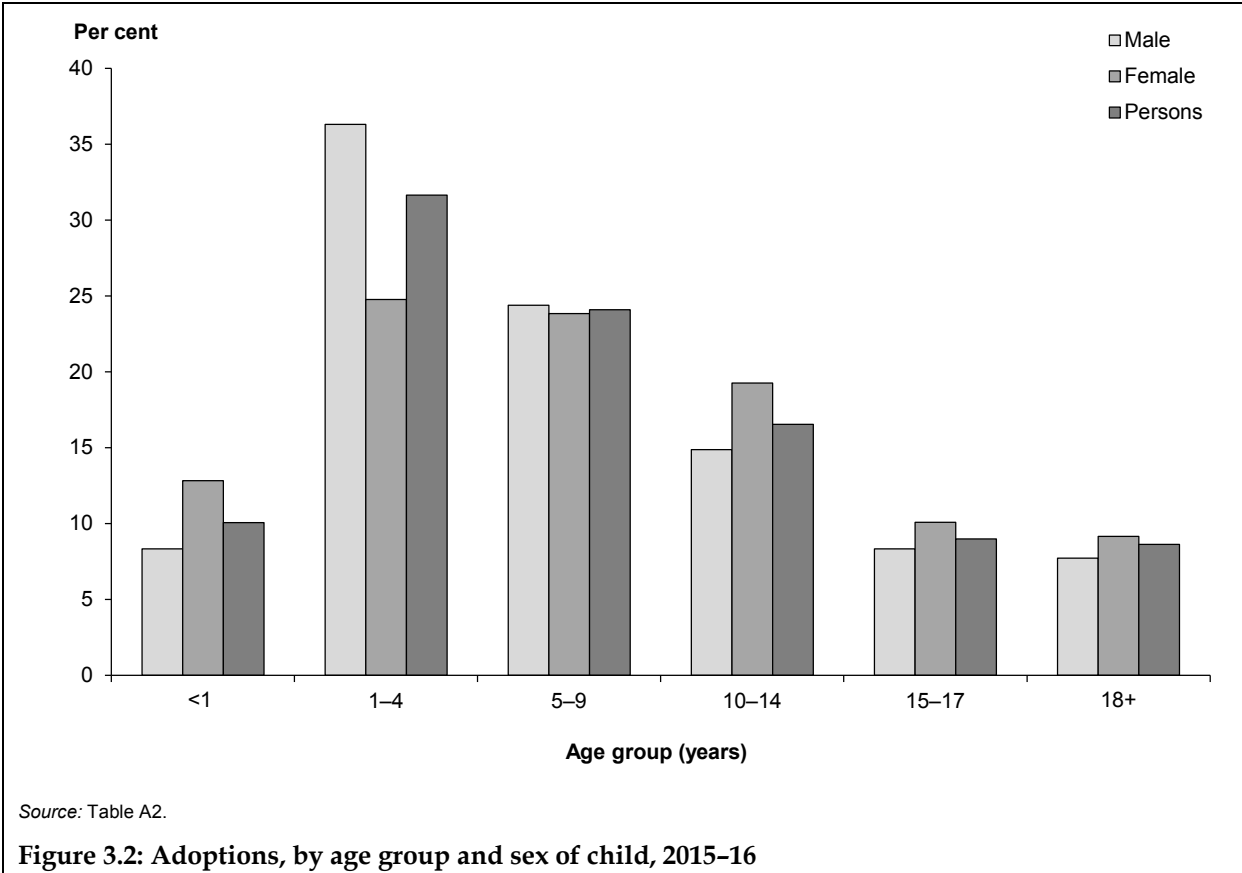
Of the 278 adoptions, 82 (29%) were children adopted from overseas and 196 (71%) were children from Australia. Those from Australia comprised 45 local adoptions and 151 known child adoptions (Figure 3.1).



There were more boys than girls adopted in 2015–16 – 61% and 39% of all adoptees, respectively. The most frequently adopted age group was 1–4 year olds (comprising 32% of all adoptions) (Table A2). The age profile can differ widely between intercountry, local and known child adoptions, and these differences can in turn influence the profile for all adoptions, depending on the proportion in each category.

For example, children in known child adoptions are generally older than their local and intercountry counterparts. In 2015–16, 91% of known child adoptees were 5 and over, while the majority of intercountry and local adoptees were under 5 (71% and 100%, respectively). However, because there were fewer intercountry and local adoptees (127 compared with the 151 known child adoptees), fewer than half of all finalised adoptions were for children aged

under 5 (116 or 42%). And of these, only 28 (10% of all adoptions) were younger than 12 months (Figure 3.2; Table A2).



The number of finalised adoptions fell or remained the same as the previous year in most states and territories except Queensland, which rose from 38 to 48 and the Northern Territory, which rose from 2 to 9 (Table A1).

For local and intercountry adoptions, children may be placed with their adoptive families before the adoption order is finalised (see figures 2.1, 2.2). There were 102 placements during 2015-16 (Table A3). For some of these children, the adoption order will not have been finalised during the 2015-16 period, and these children would not be included among the reported 278 finalised adoptions. In addition, some adoption orders finalised in 2015-16 might relate to children who were placed in previous years.

3.2 Intercountry adoptions

In 2015-16, 82 intercountry adoptions were finalised, representing 29% of all adoptions (Figure 3.1). This was similar to 2014-15, with 83 intercountry adoptions (Table A4). Adoptions finalised in 2015-16 will have been preceded by sometimes lengthy processes of application, assessment, placement proposal, immigration formalities and placement with the family (see Figure 2.1).

Intercountry adoptions increased in 2015-16, on the previous year, in Queensland (from 19 to 26) and the Northern Territory (from 1 to 5), and marginally in Western Australia. These

adoptions decreased in New South Wales, Tasmania and marginally in the Australian Capital Territory; remaining the same in Victoria and South Australia (Table A4).

In 2015–16, 45 visas were issued for intercountry adoptions, arranged by an Australian state or territory authority (Table A5). However, not all children who were issued with visas in 2015–16 would have necessarily entered Australia during this period. Further, some of these visas may reflect intercountry known child adoptions that are excluded from intercountry and finalised adoption numbers reported elsewhere in this report (see also ‘Expatriate adoptions’ in this section for more information about visas issued).

Applicants for intercountry adoption

In 2015–16, 145 applicants became official clients of Australian adoption authorities (Table 3.1). Applicants may be married couples, de facto couples or single people. Table 3.1 shows the number of applicants progressing to the point defined in their jurisdiction as becoming an official client within the year. This point varies between jurisdictions. For example, it might be when the department first opens a file, when the applicant registers, or when the applicant is invited to attend an information session (see Appendix B.1).

National data on the number of applicants who become an official client in a given year has been reported since 2011–12. During this period, the number decreased from 203 to 145 in 2015–16 (AIHW 2012; Table 3.1). However, as this has not been a smooth downward trend, and until a longer time series is available, this should be interpreted with caution.

Table 3.1: Level of activity in intercountry adoption, by state and territory, 2015–16

Activity	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Australia
Number of applicants who became official clients ^(a)	12	8	61	36	11	3	4	10	145
Number of applicants who were approved as eligible and suitable for adoption ^(b)	14	8	9	12	16	3	2	6	70
Number of files sent overseas ^(c)	14	7	10	13	13	3	2	5	67

(a) Counts the applicants who became official clients of the adoptions section of the relevant state/territory department between 1 July 2015 and 30 June 2016.

(b) Counts the number of applicants whose application to adopt was approved by the department between 1 July 2015 and 30 June 2016. 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 to await the allocation of a child between 1 July 2015 and 30 June 2016.

Note: Each category is separate, and while some applicants might appear in each category (for example, if they became official clients and were approved as eligible in the same year), not all do. For example, some applicants might have become official clients in 2013–14, been approved in 2014–15 and had their file sent overseas in 2015–16. These applicants would appear only in the last category.

Source: AIHW Adoptions Australia data collection.

In 2015–16, Australian adoption authorities made the formal decision to approve 70 applicants as eligible and suitable to adopt a child (Table 3.1). Not all of these approvals relate to applicants who became official clients during 2015–16, as some might have become official clients during a previous year. In addition, this number does not reflect all approved applicants, but only those who were newly approved during 2015–16 (see ‘Limitations of existing data’ in Appendix D).

Australian adoption authorities also sent 67 files overseas during 2015–16 to await matching with a child (Table 3.1). At any given time, there may be well in excess of that number

awaiting matching with a child, as the number does not include those whose files were sent overseas in previous years but have not yet been matched.

Country of origin

Of the finalised intercountry adoptions in 2015–16, 90% of children were from Asian countries and 9% were from South/Central American countries (Table A6). There was 1 finalised adoption from the African region and none from other regions. This distribution reflects the number of countries in each region with which Australia has an adoption program, and the characteristics of these programs.

The most common countries of origin were the Philippines (24% of intercountry adoptions), Thailand (22%), Taiwan (20%) and South Korea (17%) (Table 3.2; Figure 3.3). Patterns for countries of origin have changed considerably over time, while the numbers of children adopted have steadily declined overall (Table A7). See 'Adoption of children born overseas' in Section 4.1 for a detailed discussion of trends in intercountry adoption.

Table 3.2: Number of intercountry adoptions, by type of adoption and child's country of origin, 2015–16

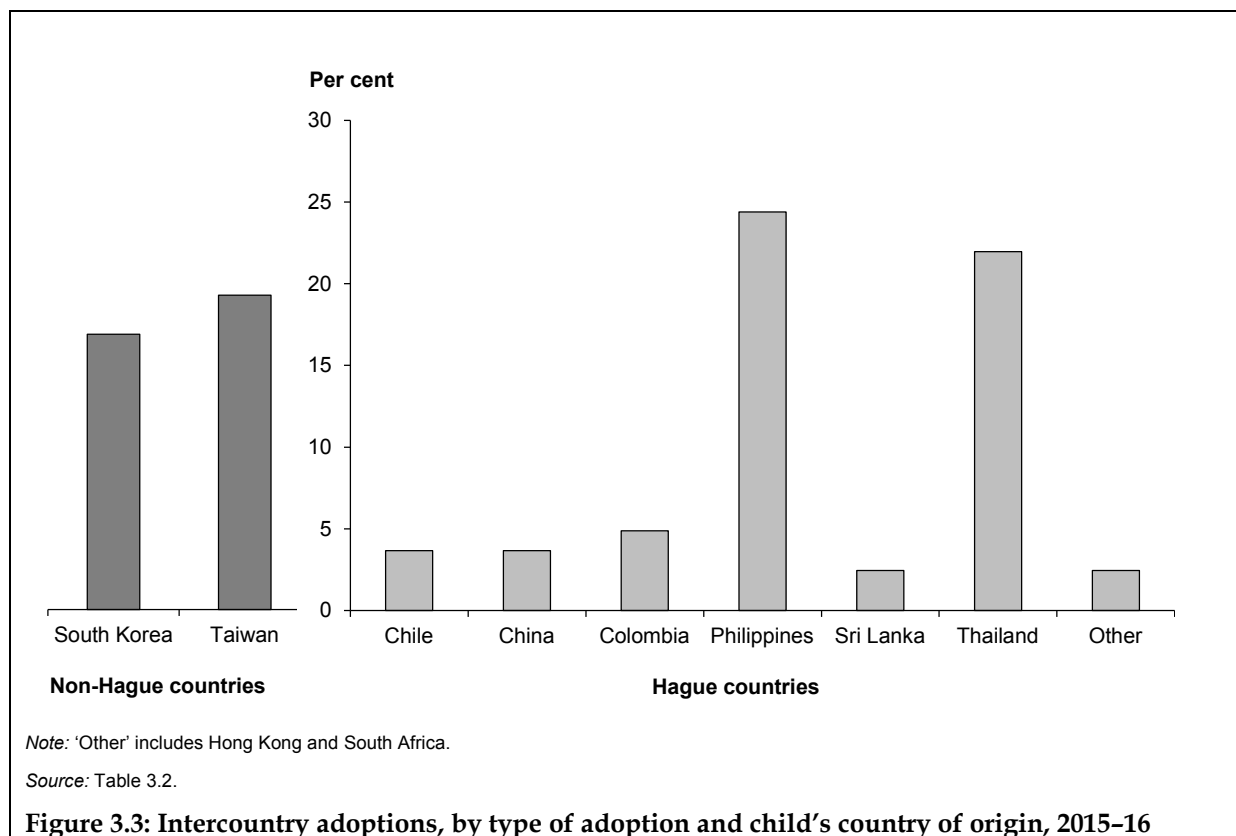
Country of origin	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Australia
Hague adoptions									
Chile	—	—	—	—	3	—	—	—	3
China ^(a)	1	1	—	—	1	—	—	—	3
Colombia	1	—	—	—	3	—	—	—	4
Philippines	5	—	13	—	2	—	—	—	20
Sri Lanka	2	—	—	—	—	—	—	—	2
Thailand	3	2	7	4	—	1	1	—	18
Other ^(b)	—	1	—	—	—	—	—	1	2
<i>Total Hague adoptions</i>	12	4	20	4	9	1	1	1	52
Non-Hague adoptions									
South Korea	4	4	—	—	2	1	—	3	14
Taiwan	5	1	6	—	3	—	—	1	16
<i>Total non-Hague adoptions</i>	9	5	6	—	5	1	—	4	30
Total intercountry adoptions	21	9	26	4	14	2	1	5	82
Percentage of intercountry adoptions	25.6	11.0	31.7	4.9	17.1	2.4	1.2	6.1	100.0

(a) Excludes Special Administrative Regions and Taiwan Province.

(b) Includes Hong Kong and South Africa.

Source: AIHW Adoptions Australia data collection.

Of those intercountry adoptions finalised in 2015–16, more than half (63%) were from countries that are party to the Hague Convention (Table 3.2). This was higher than the percentage in 2014–15 (59%) (AIHW 2015).



Processing times for children placed during 2015-16

The length of the adoption process in Australia provides an insight into the lived experience of prospective parents seeking to form a family via adoption, as well as into the efficiency of contemporary adoption practices. Data are currently only available for intercountry adoptions (see 'Limitations of existing data' in Appendix D).

For children who were placed with their adoptive parent(s) in 2015-16, the median length of time from when an Australian applicant became an official client of a state or territory department to when a child was placed with them was 41 months (more than 3 years).

Median waiting times varied by country, ranging from 31 months (more than 2.5 years) for South Korea to 80 months (nearly 7 years) for Thailand (Table 3.3).

Generally, the longest period in the process occurs between the time a partner country receives an applicant's file from Australia and when the overseas authority allocates a child. In 2015-16, the combined median time for all countries of origin was 12 months. However, there was variation between countries. In South Korea, the median time for this period was 3 months, while in Thailand, it was 40 months (Table 3.3).

Factors that might affect the time involved in the process include:

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

Table 3.3: Median length of time for the intercountry adoptions process, by country of origin, for children placed in 2015–16 (months)^(a)

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 ^(b)
Colombia	20	2	17	2	41
South Korea	7	4	3	13	31
Philippines	12	8	10	7	41
Taiwan	9	3	9	9	40
Thailand	10	10	40	4	80
Other ^(c)	9	5	17	3	66
All countries	10	5	12	7	41

(a) This table includes all children who were placed with their adoptive families during 2015–16. It looks at the median length of time from when applicants became official clients of the department to when a child was placed with them.

(b) Total length of 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 might 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) Includes Chile, China, South Africa and Sri Lanka. All of these countries had fewer than 4 placements in 2015–16, making it unsuitable to report a median measure for these countries individually.

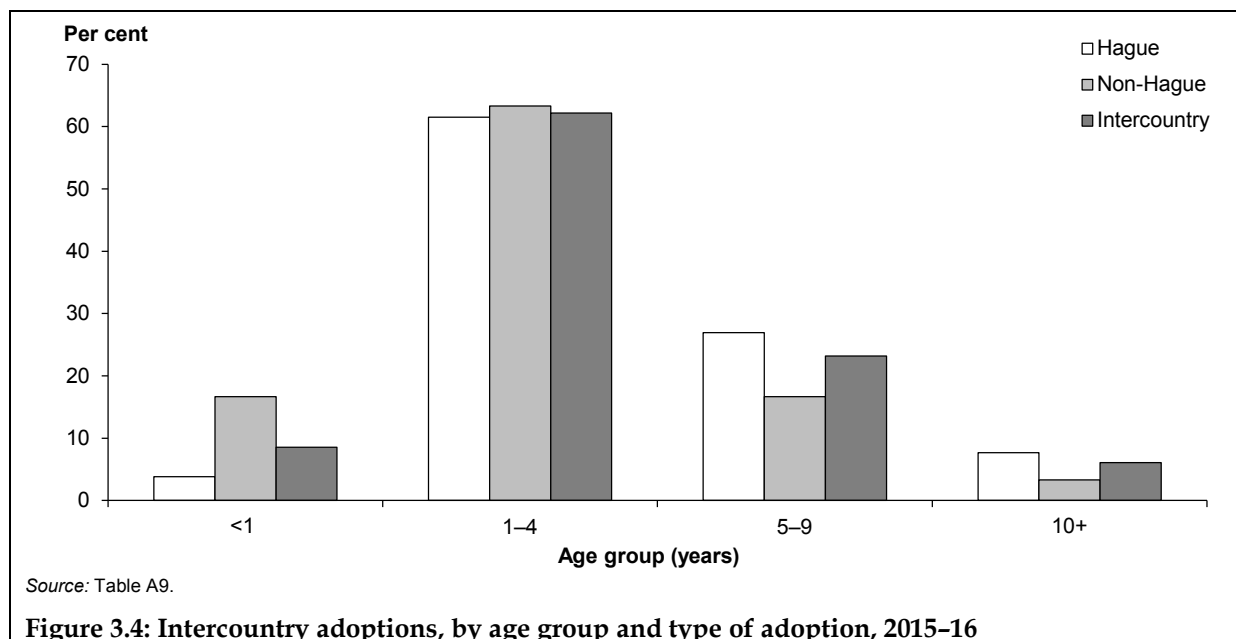
Source: AIHW Adoptions Australia data collection.

After a child is placed with their adoptive family, if a recognised full adoption order is not in place, there might still be a period while the adoption order is finalised or converted by Australian authorities. As a result, some children placed for adoption during 2015–16 might not have had their adoption finalised within that financial year.

Characteristics of adopted children

Of the 82 intercountry adoptees in 2015–16, 94% were younger than 10, and 71% under 5 (Table A2). While this is similar to previous years, changes to the population of children in need of adoption have led to a steady decline in the numbers of adoptions of infants and children aged 1–4. The number of adoptees aged 5 and over has been generally similar over time, with more fluctuations among females than males. Historically, considerably fewer children in this age group have been adopted than younger children. However, this pattern is changing with the decline in infant adoption (Table A8). As noted in Chapter 1, older children, sibling groups and those with special needs represent a growing proportion of intercountry adoptees (Mignot 2015).

Only 7 of the 82 intercountry adoptees (9%) were infants aged under 12 months (Figure 3.4), with the majority of these from Taiwan (Table A9). Similar percentages of male and female adoptees were infants (4% and 5% of all intercountry adoptees, respectively) (Table A2). (See ‘Adoption of children born overseas’ in Section 4.1 for a detailed discussion of trends in the age distribution of intercountry adoptees.)



In 2015–16, the majority of the intercountry adoptions finalised were for single children, with only 10 children adopted as part of 4 sibling groups – that is, a child and at least 1 of their siblings were adopted at the same time by the same family. All of these sibling groups were adopted from Hague countries (Table A10).

Administration of Hague adoptions

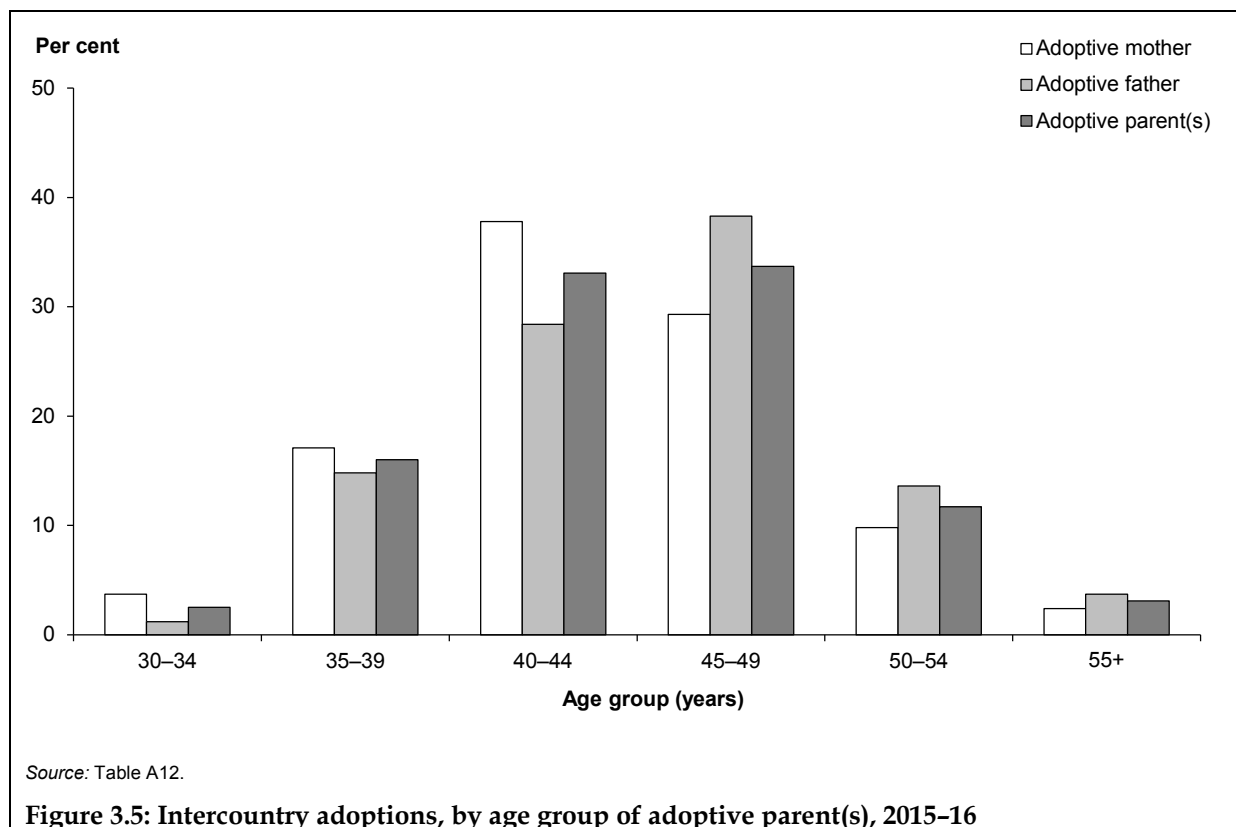
In 2015–16, just under three-quarters (73%) of the children who were the subject of a finalised Hague adoption entered Australia under guardianship orders, then had their adoption orders finalised in Australia. The remaining children entered Australia under full adoption orders made in their country of origin (Table A11).

Of the 38 children entering Australia under guardianship orders, the majority were from the Philippines and Thailand (53% and 45%, respectively) (Table A11).

Characteristics of adoptive families

Adoptive parents tend to be older than parents of non-adopted children, for various reasons, which for some may include postponed childbearing, unsuccessful fertility treatments, evaluation of alternatives in relation to family formation, and often lengthy processing times in intercountry adoption. Added to these are the specified age requirements for some adoption programs.

In 2015–16, all adoptive parents who were part of a finalised intercountry adoption were aged at least 30, and more than 80% were aged 40 and over (Figure 3.5).



Apart from additional flexibility in relation to the adoption of children with special needs, few intercountry programs allow applications from single people, with many programs requiring prospective adoptive parents to have been married for a set period of time. For example, South Korea requires applicants to have been married for a minimum of 3 years. And while most jurisdictions in Australia allow de facto couples to apply to adopt, and an increasing number also allow for applications from same-sex couples, most of Australia’s country partners countries do not allow de facto couples to apply, and only 1 (South Africa) will allow same-sex couples to apply (IAA 2016b).

In 2015-16, nearly all intercountry adoptees (99%) became part of families where the parents were in a registered marriage (Table 3.4).

Table 3.4: Intercountry adoptions, by type of adoption and marital status of the adoptive parent(s), 2015-16

Marital status of the adoptive parent(s)	Hague adoption		Non-Hague adoption		All intercountry adoptions	
	Number	%	Number	%	Number	%
Registered married couple	51	98.1	30	100.0	81	98.8
De facto couple	—	—	—	—	—	—
Single person ^(a)	1	1.9	—	—	1	1.2
Total	52	100.0	30	100.0	82	100.0

(a) May include widowed parents.

Source: AIHW Adoptions Australia data collection.

In 2015-16, almost half (49%) of children who were the subject of a finalised intercountry adoption were adopted into families with no other children, while just over a quarter (28%)

were adopted into families with other adopted children only (Table 3.5). (This excludes adoptions for New South Wales, for which data were not available.)

Table 3.5: Intercountry adoptions, by type of adoption and composition of the adoptive family, 2015–16^(a)

Composition of the adoptive family	Hague adoption		Non-Hague adoption		All intercountry adoptions	
	Number	%	Number	%	Number	%
No other children	22	55.0	8	38.1	30	49.2
Biological children only	10	25.0	—	—	10	16.4
Adopted children only	8	20.0	9	42.9	17	27.9
Biological and adopted children	—	—	4	19.0	4	6.6
Total	40	100.0	21	100.0	61	100.0

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

Source: AIHW Adoptions Australia data collection.

As with marital status and the age of adoptive parents, some countries of origin have specific eligibility criteria that directly affect these proportions – such as infertility requirements or restrictions on family size (IAA 2016b).

Expatriate adoptions

Expatriate adoptions, as defined in this report, 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 facilitating expatriate adoptions, and do not assess or approve applicants for such adoptions.

For these adoptions to be recognised in Australia, the adoptive parents must prove that they were not living overseas to bypass 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 to enter Australia.

In 2015–16, 129 adoption-specific visas were issued for children who were adopted through an overseas agency or authority, and whose adoptive parent(s) lived overseas for 12 months or more (Table A5). This was a 33% increase from 2014–15, when 97 visas were issued (AIHW 2015). In 2015–16, visas for this type of adoption were issued from 34 countries, compared with 31 in 2014–15. (See also information on visas issued for intercountry adoptions that were arranged by Australian state or territory authorities at the beginning of Section 3.2, and Table A5.)

3.3 Local adoptions

In 2015–16, 45 local adoptions were finalised, comprising 16% of all adoptions (Table 3.6; Figure 3.1), a decrease from the previous year (56) (Table A13). Due to the small number of local adoptions nationally, changes at the national, and state and territory level should be interpreted with caution.

Table 3.6: Local adoptions, by state and territory, 2015–16

State/territory	Number	%
New South Wales	10	22.2
Victoria	15	33.3
Queensland	9	20.0
Western Australia	3	6.7
South Australia	2	4.4
Tasmania	2	4.4
Australian Capital Territory	2	4.4
Northern Territory	2	4.4
Australia	45	100.0

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

Source: AIHW Adoptions Australia data collection.

Characteristics of adopted children

Local adoptions were finalised for more males than females in 2015–16 (28 and 17, respectively) (Table A2). There were no sibling groups among the 45 local adoptions (Table A10).

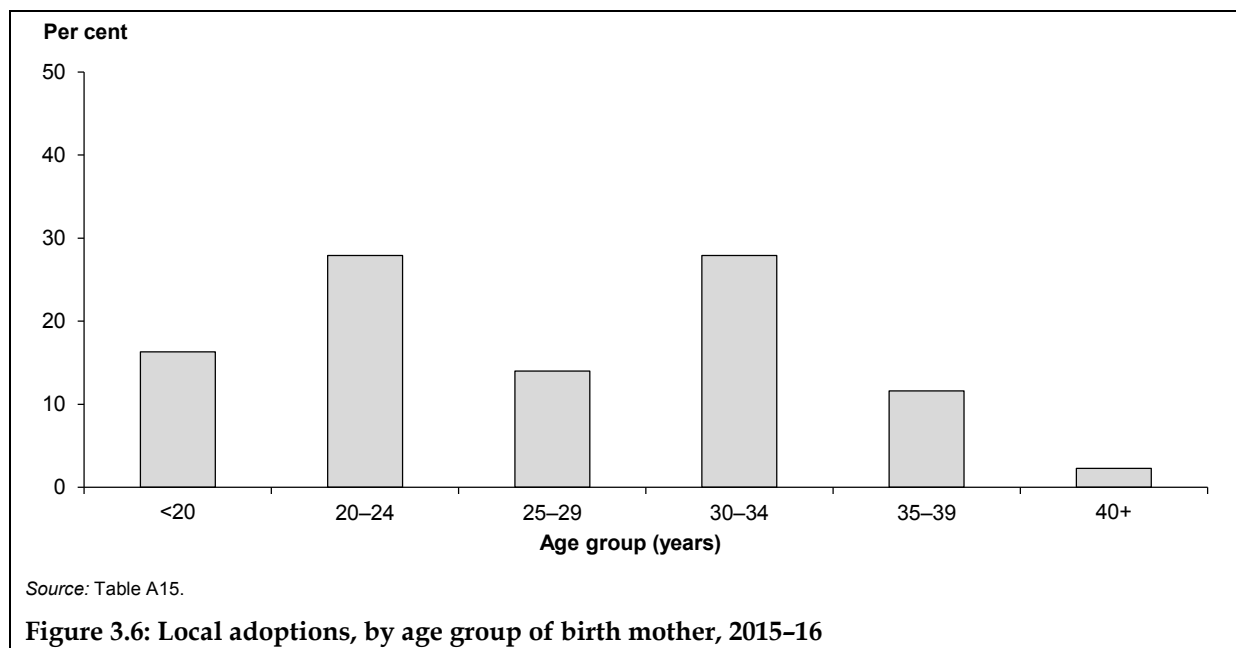
All local adoptees in 2015–16 were aged under 5, with more than half (53%) aged 1–4 (Table A2). There was a higher percentage of infants (aged under 1) involved in local adoptions (47%) than intercountry adoptions (9%). And as previously observed, among those adopted from overseas, there were more children aged 5–9 (23%), compared with none in local adoptions. As noted, the population for whom intercountry adoption is deemed appropriate has changed over recent years, and this is likely contributing to this pattern. See ‘Section 4.1 Trends in categories of adoptions’ for a more detailed discussion of trends.

Characteristics of birth mothers

While national data on birth mothers are not available for intercountry adoptees, due to the difficulties faced by countries of origin in obtaining this information (see ‘Limitations of existing data’ in Appendix D), data are available on the mothers of Australian children who are part of a local adoption. These data provide valuable information on some demographic differences between these mothers and the adoptive parents.

The median age of mothers of children with a finalised local adoption in 2015–16 was 26 at the time of the child’s birth, with ages ranging from 14 to 42. This median is 5 years younger than the median age of all Australian mothers giving birth in 2015 (31) (Table A14; ABS 2016).

The majority of the mothers of children in local adoptions were aged under 30 (58%) (Table A15; Figure 3.6), and a large percentage were not in a registered marriage (93%) (Table A16).



Characteristics of adoptive families

Almost all (96%) of the adoptive parents involved in local adoptions in 2015-16 were in a registered marriage (Table 3.7). This was similar to adoptive parents involved in intercountry adoptions.

Local adoptive parents were also generally older than the mothers of adoptees – almost all (94%) local adoptive parents were aged 30 or over. However, local adoptive parents were younger than those who had adopted through intercountry adoption – while 48% of parents in local adoptions were aged 40 and over (Figure 3.7), more than 80% of those in finalised intercountry adoptions were 40 and over (Table A12).

Table 3.7: Local adoptions, by marital status of the adoptive parent(s), 2015-16

Marital status of the adoptive parent(s)	Number	%
Registered married couple	43	95.6
De facto couple	1	2.2
Single person ^(a)	1	2.2
Total	45	100.0

(a) May include widowed parents.

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, while same-sex couples can adopt in New South Wales, Western Australia, Tasmania and the Australian Capital Territory, and in Victoria from September 2016. Specifications on the length of time couples must have been in a

married or de facto relationship, and the increasing tendency for couples to postpone having children and entering into these relationships later in life, affect the data presented in this section (Mills et al. 2011).

The circumstances under which single people can apply to adopt also vary for each state and territory. Most accept applications only under special circumstances, such as 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). In known child adoptions, a previous, longstanding relationship with the child may also constitute a special circumstance, with adoption deemed to be in the child’s best interests (Appendix B.1).

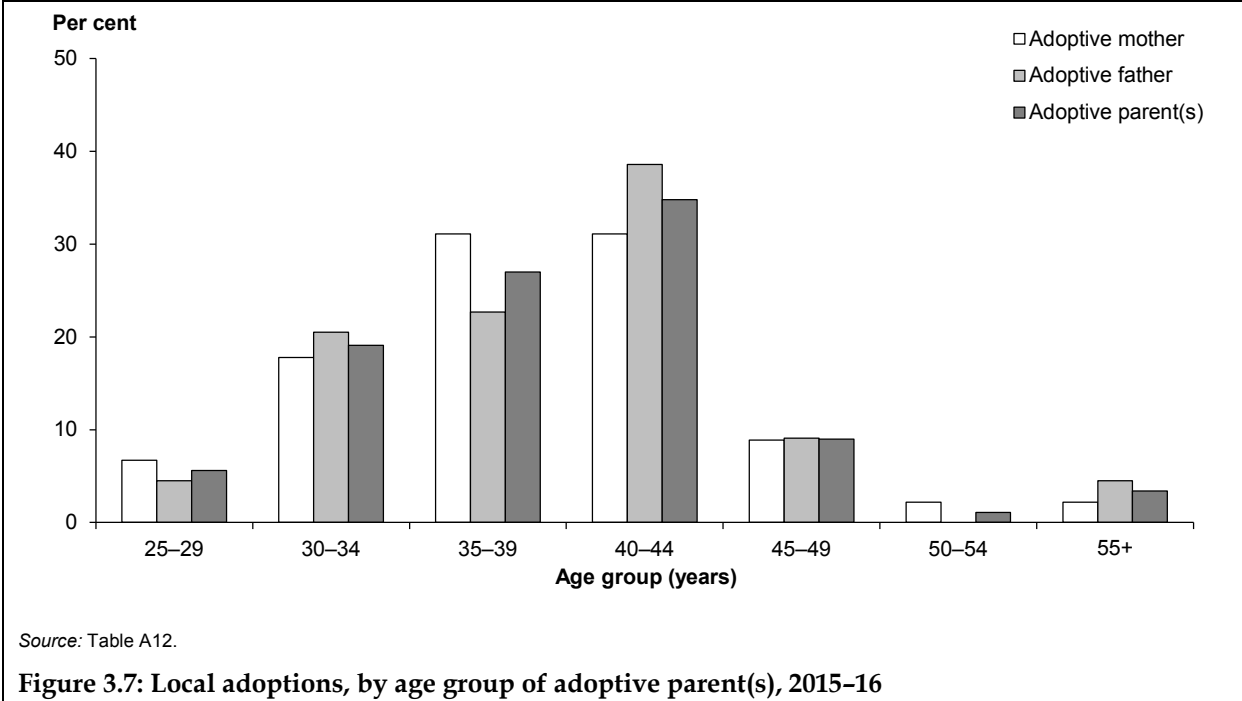


Figure 3.7: Local adoptions, by age group of adoptive parent(s), 2015-16

Over a half (57%) of local adoptees in 2015-16 were adopted into families with no other children, 34% into families with other adopted children only, and 9% into families who had biological children only (excluding adoptions for New South Wales, for which these data were not available) (Table 3.8).

Table 3.8: Local adoptions, by composition of the adoptive family, 2015-16^(a)

Composition of the adoptive family	Number	%
No other children	20	57.1
Biological children only	3	8.6
Adopted children only	12	34.3
Biological and adopted children	—	—
Unknown	—	—
Total	35	100.0

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

Source: AIHW Adoptions Australia data collection.

Administration of local adoptions

For over 64% of local adoptions finalised in 2015–16, consent for the adoptions was given by the mother only (Table 3.9). For the remaining 36%, both parents provided consent for the adoption, similar to the 39% providing consent in 2014–15 (AIHW 2015).

Table 3.9: Local adoptions, by type of consent, 2015–16

Type of consent given	Number	%
From mother only ^(a)	29	64.4
From father only ^(b)	—	—
From both parents	16	35.6
Both parents' consent dispensed with/not required	—	—
Total	45	100.0

(a) Father's consent dispensed/not required.

(b) Mother's consent dispensed/not required.

Note: Consent for local adoptions is usually required from both birth parents, and dispensation of consent is usually provided by the relevant court in each state/territory only when the 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 (89%) of local adoptions finalised in 2015–16 could be considered 'open' – that is, all parties agreed to allow a degree of contact or information exchange to occur between families (Table 3.10).

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 the closed 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 and contact between the parties. Since 2001–02, the percentage of local adoptions where the birth and adoptive families have agreed to allow some type of contact or information exchange has generally been well above 80% (Table A17; AIHW Adoptions Australia data collection).

Table 3.10: Local adoptions, by type of agreement, 2015–16

Type of agreement	Number	%
Contact and information exchange	22	48.9
Contact only	—	—
Information exchange only	18	40.0
No contact or information exchange	5	11.1
Total	45	100.0

Source: AIHW Adoptions Australia data collection.

Almost three-quarters (71%) of the local adoptions finalised in 2015–16 were arranged by a relevant state and territory government department (Table A18) – an increase on the previous year (64%) (AIHW 2015). The remainder (29%) were arranged by a non-government organisation.

3.4 Known child adoptions

In 2015–16, 151 known child adoptions were finalised (Table 3.11). While this was similar to the previous year (Table A19), as the overall number of adoptions continues to fall, known child adoptions represent an increasing percentage of all adoptions – 54% in 2015–16, compared with 52% in 2014–15 and 50% in 2013–14 (Figure 3.1; AIHW 2015).

Table 3.11: Known child adoptions, by state and territory, 2015–16

State/territory	Number ^(a)	%
New South Wales	97	64.2
Victoria	10	6.6
Queensland	13	8.6
Western Australia	22	14.6
South Australia	1	0.7
Tasmania	4	2.6
Australian Capital Territory	2	1.3
Northern Territory	2	1.3
Australia	151	100.0

(a) Number of adoptions includes children aged 18 and over (see Table A20).

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

Source: AIHW Adoptions Australia data collection.

Half (50%) of known child adoptions finalised in 2015–16 were by a step-parent, with a further 46% by carers, such as foster parents (Table 3.12). The majority of known child adoptions by carers (68 of the 70) occurred in New South Wales (AIHW Adoptions Australia data collection). This reflects that state’s policies, which promote adoption to achieve stability for children under the long-term care of state child protective services, when family restoration is not considered appropriate. Note that New South Wales carer adoptions fell 22% on the previous year (AIHW 2015). This change reflects, in part, the application of guardianship orders for children in out-of-home care, from late 2014 (see ‘Section 4.3 Alternatives to adoption’).

Table 3.12: Known child adoptions, by relationship of adoptive parent(s), 2015–16

Relationship of the adoptive parent(s)	Number ^(a)	%
Step-parent	76	50.3
Carer	70	46.4
Relative ^(b)	3	2.0
Other	2	1.3
Total	151	100.0

(a) Includes 24 children aged 18 and over (see Table A20).

(b) Includes relatives other than step-parents.

Note: See the Glossary for definitions of the adoption categories.

Source: AIHW Adoptions Australia data collection.

Characteristics of adopted children

Similar to intercountry and local adoptions, more known child adoptees were male than female (57% and 43%, respectively) in 2015–16. The predominance of males occurred in each age group, and was greatest for children aged 5–9, with 28 males and 20 females adopted (Table A2).

Australian children in known child adoptions were generally older than children in local or intercountry adoptions. Well over half (60%) of the known child adoptees in 2015–16 were aged 10 and over, including 16% who were aged 18 and over. In comparison, there were no children in local adoptions aged 10 and over and only 6% of intercountry adoptions were in that age group (Table A2). Children aged under 5 comprised only 9% of known child adoptions (Table A2; Figure 3.8). This might reflect minimum age requirements for some known child adoptions and, in many jurisdictions, the length of time the prospective adoptive parent(s) need to have had a relationship with the child before an adoption is possible (see Section B.1 in Appendix B).

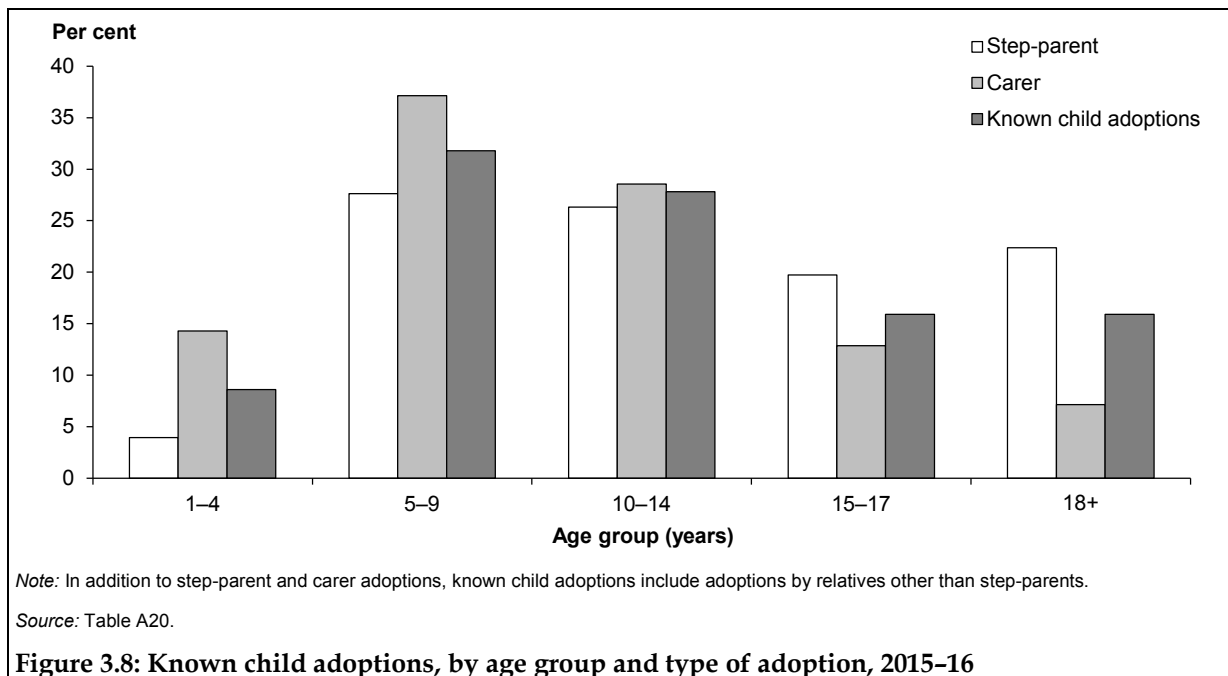


Figure 3.8: Known child adoptions, by age group and type of adoption, 2015–16

The older age of children in known child adoptions is also affected by the percentage of adoptions by step-parents (50% of known child adoptions finalised in 2015–16) (Table A21). Children adopted by step-parents were generally older than those adopted by other adults, because of the additional time involved in forming stepfamilies. Of the known child adoptions finalised in 2015–16, 68% of the children in step-parent adoptions were aged 10 and over – this compares with 49% of children in carer adoptions (Table A20; Figure 3.8). Children adopted by carers ranged in age from 2 to over 18, with 37% aged 5–9 (Table A20; AIHW Adoptions Australia data collection).

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 adoptions being seen as providing a service for adults, to the wellbeing of children being paramount.

All states and territories have legislation that grants certain information rights to adopted people 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 (see sections B.2 and B.3 in Appendix B).

Information applications

All states and territories have 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 (see Appendix B.3). Parties to an adoption may apply for access to identifying or non-identifying information. Identifying information identifies the person about whom the information is being sought – such as the original birth certificate or the amended birth certificate. Non-identifying information does not identify the person about whom the information is sought, and can include the age of birth parent(s) and place of birth.

The number and distribution of applications in 2015–16 was broadly consistent with the previous year:

- 2,726 information applications were made – 86% of these for identifying information
- almost three-quarters (72%) of identifying information applications were made by adoptees, with 12% made by birth parents
- 30% of non-identifying information applications were made by adoptees, and 45% by other birth relatives
- most adoptees seeking information were aged 35 and over (87%)
- more female adoptees lodged information applications than males (54% and 46%, respectively) (tables 3.13, 3.14).

Table 3.13: Number of information applications lodged, by person lodging application, and information type, 2015–16

Person lodging the application	NSW ^(a)	Vic ^(b)	Qld	WA ^{(c)(d)}	SA ^(e)	Tas	ACT	NT ^(c)	Australia	%
Identifying information										
Adoptee	536	449	331	114	186	49	14	17	1,696	72.0
Adoptive mother	—	—	—	5	9	—	1	1	16	0.7
Adoptive father	—	—	—	1	—	—	1	—	2	0.1
Birth mother	71	65	43	16	21	3	4	7	230	9.8
Birth father	12	14	13	4	2	1	1	—	47	2.0
Other birth relative(s)	25	—	9	33	27	9	1	3	107	4.5
Other adoptive relative(s)	1	—	8	24	—	—	—	—	33	1.4
Child of adoptee	39	91	31	25	26	9	—	—	221	9.4
Unknown	—	—	—	2	—	—	—	—	2	0.1
Total	684	619	435	224	271	71	22	28	2,354	100.0

(continued)

Table 3.13 (continued): Number of information applications lodged, by person lodging application, 2015–16

Person lodging the application	NSW ^(a)	Vic ^(b)	Qld	WA ^{(c)(d)}	SA ^(e)	Tas	ACT	NT ^(c)	Australia	%
Non-identifying information										
Adoptee	..	3	3	102	4	—	—	—	112	30.1
Adoptive mother	..	15	1	3	—	..	—	—	19	5.1
Adoptive father	..	9	1	1	—	..	—	—	11	3.0
Birth mother	..	—	—	12	—	..	—	—	12	3.2
Birth father	..	—	—	3	—	..	—	—	3	0.8
Other birth relative(s)	..	140	..	27	—	..	—	—	167	44.9
Other adoptive relative(s)	20	—	..	—	—	20	5.4
Child of adoptee	..	—	..	27	—	..	—	—	27	7.3
Unknown	..	—	..	1	—	..	—	—	1	0.3
Total	..	167	5	196	4	—	—	—	372	100.0

(a) In New South Wales, for adoption orders that occur after 1 January 2010, adoptees, adoptive parents and birth parents can apply for identifying information about each other. Where an adoptee is under the age of 18, they will need the consent of their adoptive parent(s) or the consent of the Secretary of the New South Wales Department of Family and Community Services to apply for identifying information. When a birth parent or a non-adopted sibling applies for identifying information where the adoptee is under the age of 18, the birth parent or a non-adopted sibling must produce an Adoption Information Certificate that has been issued after a risk assessment.

(b) In Victoria, adoptees, adult children of adoptees and birth parents have access to identifying information. The other groups have access to non-identifying information—unless the adoptee is contacted at the request of the applicant and agrees to the release of identifying information.

(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, adoptees aged 18 or over can access information, such as information in their birth certificate, details about their birth parents (if known) and any information left by birth family members. Birth parents can apply for the release of certain information once the adoptee turns 18. Adoptive parents can apply for certain information under certain circumstances. A descendant of an adoptee, such as a child or grandchild, can apply for certain information. A birth relative can also apply for information under certain circumstances. A veto might 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 might not add to 100 due to 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 identifies the person about whom the information is being sought, such as the original birth certificate or the amended birth certificate. Non-identifying information does not identify the person about whom the information is sought, and can include age of birth parent(s) and place of birth.

Source: AIHW Adoptions Australia data collection.

Table 3.14: Adult adoptees who lodged information applications, by Indigenous status, age group and sex of applicant, 2015–16

Age group (years)	Indigenous Australians			Other Australians ^(a)			Total			% ^(b)
	Males	Females	Persons	Males	Females	Persons	Males	Females	Persons	
18–19	—	—	—	6	9	15	6	9	15	1.3
20–24	—	—	—	7	19	26	7	19	26	2.2
25–34	1	2	3	46	62	109	47	64	112	9.6
35–44	2	3	5	143	122	265	145	125	270	23.1
45+	20	16	36	312	400	712	332	416	748	63.9
Total	23	21	44	515	613	1,129	538	634	1,173	100.0
%	52.3	47.7	100.0	45.7	54.3	100.0	45.9	54.1	100.0	100.0

(a) Total males, females and persons include people of unknown age.

(b) Percentages exclude 3 females and 4 males whose age was unknown.

Notes

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

Source: AIHW Adoptions Australia data collection.

Contact and identifying information vetoes

In some cases, a party to an adoption might 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, apply for identifying information not to be released to any other party to the adoption.

In some states and territories, a contact veto can 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 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 even if information about an adoption is never requested (see Appendix B.3).

The number of contact and identifying information vetoes lodged in 2015–16 was similar to the previous year (68 compared with 66, respectively) (Table 3.15; AIHW 2015). The number of contact and identifying information vetoes in place as at 30 June 2016 (8,637) reduced slightly from 8,669 at 30 June 2015 (Table 3.16; AIHW 2015).

Table 3.15: Vetoes lodged, by person lodging veto, 2015–16

Measure	Person lodging the veto							Total
	Adoptee	Adoptive mother	Adoptive father	Birth mother	Birth father	Other birth relative	Other adoptive relative	
Contact vetoes lodged								
Number	10	—	—	3	1	—	—	14
%	71.4	—	—	21.4	7.1	—	—	100.0
Identifying information vetoes lodged								
Number	28	4	4	18	—	—	—	54
%	51.9	7.4	7.4	33.3	—	—	—	100.0
Total								
Number	38	4	4	21	1	—	—	68
%	55.9	5.9	5.9	30.9	1.5	—	—	100.0

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

Source: AIHW Adoptions Australia data collection.

For both contact and identifying information vetoes lodged in 2015–16 and those in place at 30 June 2016, more than half were lodged by the adoptee (56% and 54%, respectively). Birth mothers were the next highest percentage to lodge vetoes or have vetoes in place (31% and 39%, respectively), with a total of 3,386 birth mother vetoes in place at 30 June 2016 (tables 3.15, 3.16).

While the number of contact and information vetoes lodged each year has fluctuated between 52 and 140 in the past 10 years; generally, far fewer vetoes are lodged today than 20 years ago (259 in 1996–97) (Table A22). As in previous years, the number of applications for information far exceeded the number of vetoes lodged against contact or the release of identifying information—2,726 compared with 68, respectively (Table A22).

Table 3.16: Number of vetoes in place as at 30 June 2016, by person lodging veto and veto type

Person lodging veto	NSW ^(a)	Vic ^(b)	Qld ^(c)	WA ^(d)	SA ^(e)	Tas ^(f)	ACT ^(g)	NT ^(h)	Total	%
Contact vetoes										
Adoptee	2,371	9	1,696	255	..	112	48	..	4,491	54.4
Adoptive mother	..	..	..	214	..	1	15	..	230	2.8
Adoptive father	..	..	..	174	..	3	14	..	191	2.3
Birth mother	1,805	..	1,244	156	..	27	22	..	3,254	39.4
Birth father	53	..	12	14	..	1	4	..	84	1.0
Other birth relative(s)	..	..	—	3	..	4	3	..	10	0.1
Other adoptive relative(s)	..	..	..	1	..	—	—	..	1	<0.1
Total	4,229	9	2,952	817	..	148	106	..	8,261	100.0
Identifying information vetoes										
Adoptee	..	—	..	..	216	..	..	—	216	57.4
Adoptive mother	..	..	..	..	11	..	..	..	11	2.9
Adoptive father	..	..	..	..	8	..	..	..	8	2.1
Birth mother	..	..	..	..	131	..	..	1	132	35.1
Birth father	..	..	..	..	9	..	..	—	9	2.4
Other birth relative(s)	..	..	..	..	..	..	..	..	..	..
Other adoptive relative(s)	..	..	..	..	..	..	..	..	..	..
Total	..	..	..	..	375	..	..	1	376	100.0

(a) 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. The release of identifying information cannot be vetoed.

(b) In Victoria, the *Adoption Amendment Act 2013* introduced a contact veto scheme, before which no veto system existed. Data were included for Victoria for the first time in 2013–14. The *Adoption Amendment Act 2015* repealed the contact veto scheme. Contact statements lodged before commencement of the Act, on 26 August 2016, continue in force until they expire (5 years from lodgement). 'Identifying information vetoes' do not exist in Victoria.

(c) In Queensland, since 1 February 2010, the *Adoption Act 2009* has allowed birth parents and adoptees to lodge a contact statement specifying how they wish contact to occur or specifying no contact. Of the total in 2015–16, 156 were contact statements specifying how contact was to occur: 114 were from people who were adopted, 37 were from birth mothers and 5 from birth fathers. 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 the release of information would put the safety of another person at risk.

(d) In Western Australia, amendments to the *Adoption Act 1994* in 2003 prohibit any new information or contact vetoes on any adoptions after 1 June 2003. Where a contact veto was previously placed for a person under 18 years, the veto would expire upon the young person turning 19. However, the veto can still continue subject to the young person informing the Department for Child Protection and Family Support's Chief Executive Officer in writing within 12 months after attaining the age of 18. All existing information vetoes became ineffective on 1 June 2005.

(e) In South Australia, contact vetoes do not exist. Only adopted persons, birth parents and adoptive parents can lodge an identifying information veto and these vetoes may only be lodged in relation to adoptions that occurred before 17 August 1989.

(f) In Tasmania, the release of identifying information cannot be vetoed.

(g) 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.

(h) 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. A 3-year renewable veto may be lodged by the adopted person or birth parents for adoptions finalised before 1994. A renewed veto is counted as a new lodgement. There is no veto provision for adoptions finalised under the *Adoption of Children Act 1994*.

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

Source: AIHW Adoptions Australia data collection.

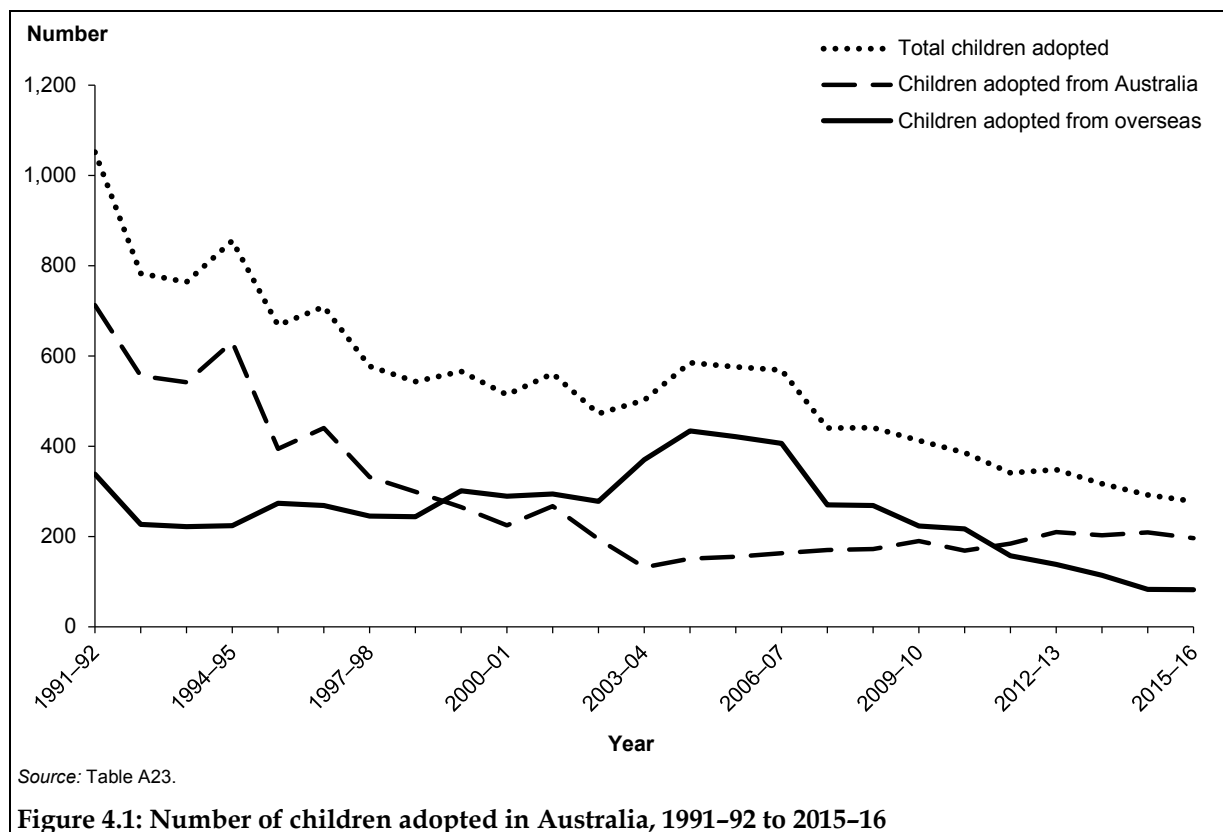
4 Trends in adoptions in Australia

Key findings

- Adoptions declined 74% over the past 25 years, to 278 in 2015–16, the lowest on record.
- In the same period, similar falls occurred among Australian child adoptions (73% decline) and among intercountry adoptions (76%).
- The percentage of adoptions from China has declined substantially since 2006–07 (from 31% to 4%).
- Since 2011–12, the main country of origin for intercountry adoptions varied between the Philippines and Taiwan.
- Median waiting times for intercountry adoption fell in 2015–16, to 41 months. Previously, waiting times had been steadily increasing each year to a high of 64 months in 2014–15.
- Of the 130 Indigenous child adoptions between 1991–92 and 2015–16, 51% were by Indigenous Australians.

This chapter presents trend data for adoptions in Australia, from 1991–92 onward, in 10-year and 25-year periods. Trend analyses over extended periods (such as those included in this chapter) can provide more robust and meaningful insights than analyses of change over shorter periods, due to the small size of the population.

The number of annual adoptions in Australia has continued to fall over the past 25 years. In 1991–92, 1,052 adoptions were finalised; by 2006–07, this had fallen to 569. In 2015–16, only 278 adoptions were finalised – a 74% decline since 1991–92, and a 51% decline over the previous decade. The 2015–16 figure of 278 is the lowest annual number of finalised adoptions recorded since national data have been collated and reported (Table A23; Figure 4.1).



As shown in Figure 4.1, the fall in the overall number of adoptions to 2002-03, was primarily driven by the falling number of Australian children (comprising local and known child adoptions) adopted up to that year. Since a low point in 2003-04, local and known child adoptions combined slowly increased then plateaued from around 2012-13.

Between 1991-92 and 2003-04, the number of annual adoptions of Australian children fell from 713 to 132 – an 81% decline. While the 196 adoptions of Australian children in 2015-16 represent part of the rise since 2003-04, overall, there has been a decline of 73% over the 25-year period.

The fall in the number of adoptions of Australian children can be attributed to changing views in Australian society that have altered the circumstances in which adoption might be considered appropriate. Social trends, such as declining fertility rates, the wider availability of effective birth control, increased support for single parents, and the emergence of family planning centres (ABS 2010) are also likely to influence the number of Australian children in need of adoption.

Further, legislative changes introduced by state and territory departments over the past 20 years or so, supporting a greater use of alternative legal orders, have contributed to the decline. These orders, such as permanent care orders in Victoria, transfer sole parental responsibility for 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 (see Appendix B.1). Similarly, in Western Australia, protection orders (special guardianship) give parental responsibility to an individual, or 2 individuals jointly, for a child until the child turns 18. For more information on care and protection orders, including what jurisdictions consider to be permanent alternative care arrangements and which may

function as an alternative to adoption, see *Permanency planning in child protection: a review of current concepts and available data* (AIHW 2016b).

Recently, some jurisdictions have looked to adoption to create stability for children under the long-term care of state and territory child protection services, where reunification with the family of origin is not possible. Known child adoptions by a carer peaked in 2014–15 with 94 adoptions and then fell to 70 in 2015–16. Nevertheless, this still represents a threefold increase in these adoptions over the last 10 years (Table A21).

Intercountry adoptions show a different trend. After falling from 338 in 1991–92 to 222 in 1993–94, intercountry adoptions peaked at 434 in 2004–05. Since that time, intercountry adoptions have been in steady decline, to 82 in 2015–16. This represents a substantial fall of 76% across 25 years, and a fall of 81% since the peak in 2004–05 (Table A23; Figure 4.1). In 2015–16, more Australian children had their adoption order finalised than children from overseas (excluding expatriate adoptions) (71% and 29%, respectively). This has been the case since 2011–12, which was the first time this had occurred since 1998–99 (Table A23; Figure 4.1).

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

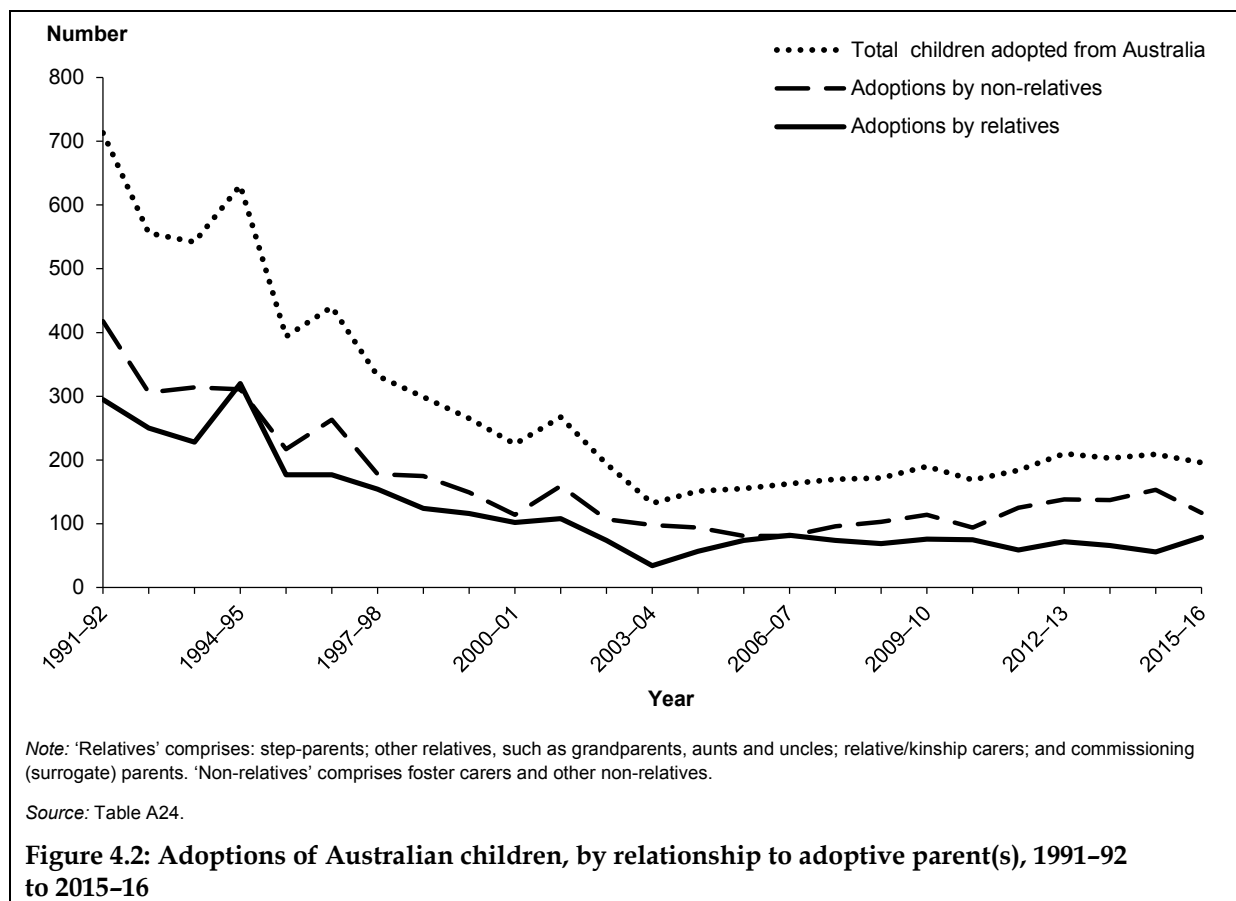
A two-thirds decline in intercountry adoption internationally, between 2004 and 2013, among the largest receiving countries, has been reported (Mignot 2015). Selman (2015) describes growth in intercountry adoption from the early 1990s peaking in 2004 at over 45,000 globally, across 23 receiving countries. After which, that figure dropped to 16,000 in 2013. Australia saw a 63% decline in the same period.

4.1 Trends in categories of adoptions

Adoption of Australian children

Overall, the number of finalised annual adoptions of Australian children has fallen since national records began in 1981–82. In the last 25 years, the number fell from 713 in 1991–92 to 196 in 2015–16—a 73% decline (Table A24; Figure 4.2) (note that New South Wales was unable to report on step-parent adoptions from 1991–92 to 1993–94, so this is likely an underestimate of the extent of decline during the period). 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 report on trends in adoptions by both relatives and non-relatives over a longer period.

While the number of finalised adoptions of Australian children fell from 713 in 1991–92 to 132 in 2003–04, it subsequently rose to 190 in 2009–10, reaching 209 in 2014–15 before declining slightly to 196 in 2015–16 (Table A24; Figure 4.2). The increase from 2003–04 to 2014–15 and subsequent fall were due primarily to New South Wales (increasing from 49 to 117, before falling to 107 in 2015–16). In the remaining states and territories, numbers have remained relatively stable during this time (tables A13, A19).



While the numbers of Australian children adopted by relatives and non-relatives have decreased overall since 1991-92 (73% and 72% declines, respectively), the respective proportions of each have fluctuated since the mid-1990s. For example, the percentages of non-relative adoptions have fluctuated between 49% and 74%, with peaks in 2003-04 and 2014-15 (Table A24; Figure 4.2).

Historically, this trend likely reflected the fact that, with the exception of step-parent adoption, most states and territories have policies that promote parental responsibility orders rather than adoption when a child is to be permanently cared for by a relative (for example, the use of permanent care and guardianship/custody orders). There has been a considerable increase in the use of these orders over this period (see Section 4.3).

The number of local adoptions has decreased over the past 15 years – from 107 in 2001-02 to 45 in 2015-16, while the number of known child adoptions, falling initially in the same period, has increased since 2003-04, primarily driven by adoptions in New South Wales (Figure 4.3).

Nationally, step-parent adoption remained predominant within known child adoptions until 2010-11 (falling from 76% in 2006-07 to 34% in 2014-5). Carer adoption was higher from 2011-12 to 2014-15 (increasing from 54% to 61%, respectively) after which step-parent adoption again became predominant (50% in 2015-16) (Table A21).

Known child adoption by a carer fell to 70 nationally in 2015-16 (from 94 in the previous year), again primarily due to New South Wales, where carer adoptions fell to 68 from 87 in 2014-15 (Table A21; AIHW 2015).

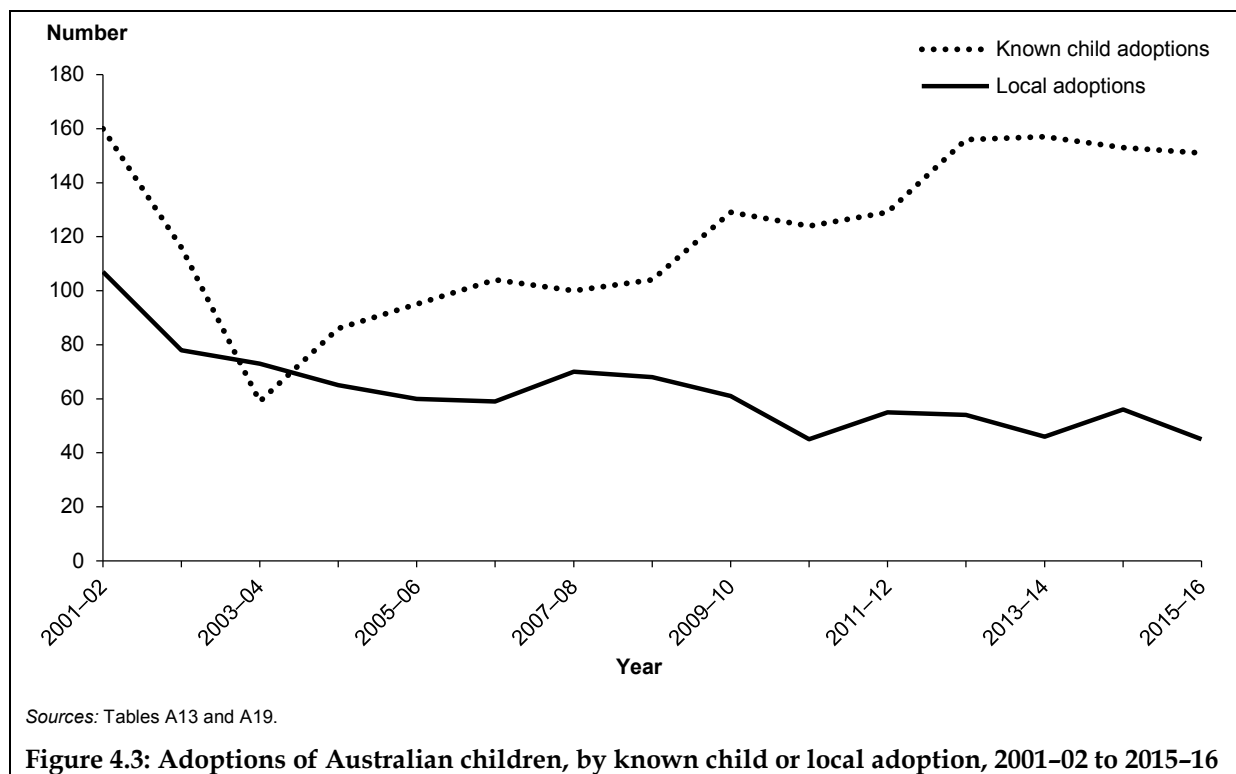


Figure 4.3: Adoptions of Australian children, by known child or local adoption, 2001-02 to 2015-16

Adoption of children born overseas

In Australia, between 1999-00 and 2010-11, more intercountry adoptions were finalised each year than adoptions of children from Australia (local and known child adoptions combined). Between 1999-00 and 2004-05, the percentage of adoptions of children from overseas increased from 53% to 74%, with the highest number of intercountry adoptions (434) in 2004-05. But since this period, the number of intercountry adoptions has steadily decreased to 82, or 30% of all finalised adoptions in 2015-16. Since 2011-12, a greater number of children have been adopted from within Australia than from overseas (Table A23).

An average of 196 intercountry adoptions were finalised each year in Australia over the past decade. The 82 intercountry adoptions finalised in 2015-16 represent the lowest number of such adoptions during the 10-year period, continuing the annual decline of intercountry adoptions. The long-term decline in the number of intercountry adoptions has occurred in most states and territories, although Queensland, Western Australia and Northern Territory reported increases on the previous year and Victoria and South Australia remained the same (Table A4).

As noted earlier, this trend reflects global trends in intercountry adoptions during this period. A longitudinal study of 22 countries estimated that the global number of intercountry adoptions grew from 31,710 in 1998 to a peak of 45,288 in 2004 (Selman 2009). But numbers fell by 36% between 2004 and 2010. This trend was consistent across most countries, but there were some exceptions, with numbers increasing in Canada and Italy to 2009 (and continued to increase to 2010 in Italy). Since the mid-1980s, the United States of America had received about half of all international adoptions, but from 2009, more children were adopted in European countries than in the United States of America (Selman 2012).

The reasons for the decline are complex and varied. As traditional countries of origin improve in areas of economic and social development, options for domestic care also

improve, and fewer children need intercountry adoption, particularly children without health problems or impairments. As a result, eligibility criteria for adopting young, healthy children imposed by overseas countries have become more stringent, with many families no longer being able to adopt or, if eligible, experiencing long waiting times. The characteristics of children in need of adoption have also changed. They are increasingly older children, sibling groups and children with disabilities, developmental delays or complex medical and social backgrounds (PM&C 2014).

In Australia, the change in the number of intercountry adoptions can, at least in part, be attributed to variations in the intercountry programs, and to changes in adoption practices in countries of origin. Some countries of origin, such as Thailand and the Philippines, continue to restrict the number of applications they accept to help manage the large numbers of applications on their waiting lists. Others, such as Colombia, are currently only accepting applications for older children, sibling groups or children with special needs. South Korea limits the number of exit permits issued for children approved for intercountry adoption, reducing the number of adoptions that can be finalised each year (IAA 2016b).

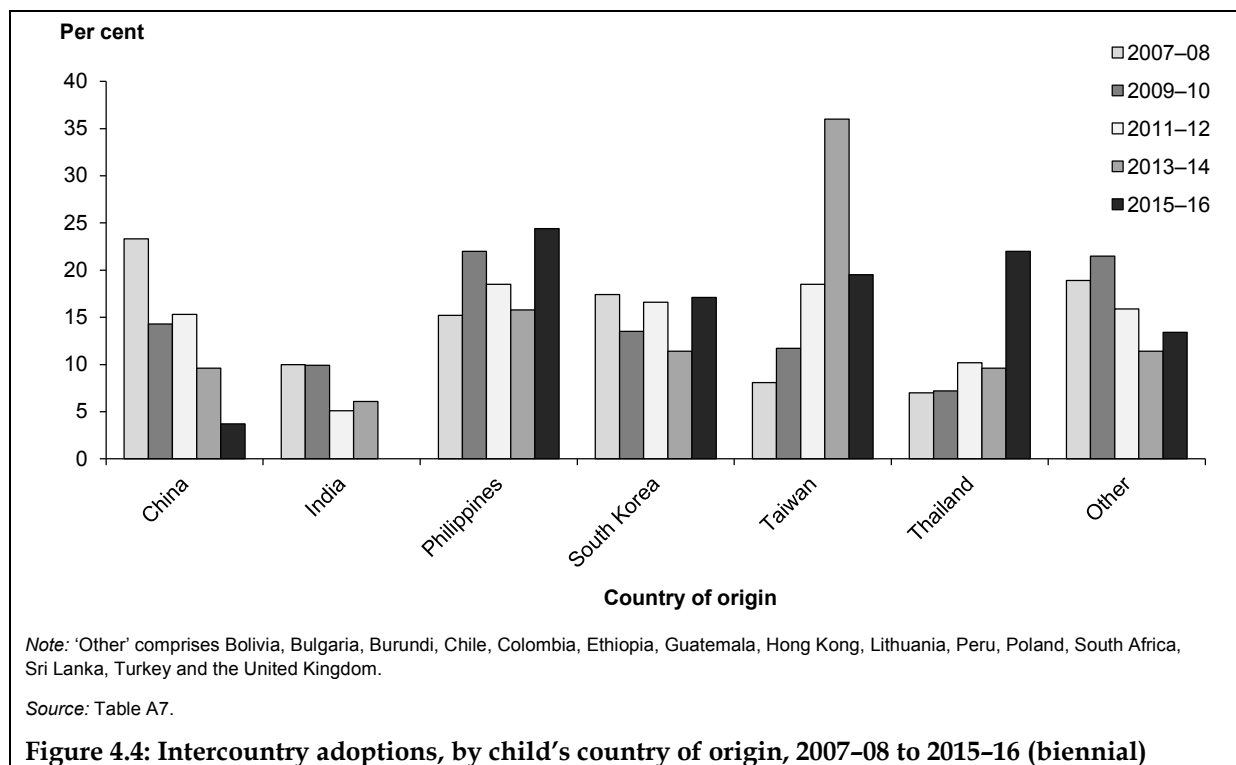
Australia's programs with Bolivia, Fiji and India are currently on hold. The program with Ethiopia closed on 28 June 2012, while Australia's program with Lithuania is inactive due to Lithuania's requirements (AGD 2016). The IAA website provides additional information on intercountry programs (IAA 2016b).

On 25 February 2015, amendments to the *Australian Citizenship Act 2007* began. The amendments enable children adopted from South Korea and Taiwan to immediately apply for Australian citizenship once the adoption process is complete in their country of origin, and (after the granting of citizenship) travel to Australia as Australian citizens. Over time, this change will result in a decrease in the number of adoption visas issued for children adopted from South Korea and Taiwan, where the adoptions were arranged by an Australian state or territory authority.

Country of origin

Due to 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, and the main country of origin has changed over time. For example, since 2006–07, the main country of origin varied between China, the Philippines and Taiwan (Table A7).

The percentage of adoptions from China declined substantially in that time (from 31% to 4%), India also declined overall (from 6% to 0%), while the Philippines, Taiwan and Thailand increased overall – the Philippines from 11% to 24%, Thailand from 7% to 22% and Taiwan from 6% to 20% (see 'Asian countries of origin' below, for further information) (Table A7; Figure 4.4). Various factors have contributed to these fluctuations, and the 2010 hold on sending new adoption applications to India saw no adoptions finalised from that country in 2015–16, for the first time in the decade.



The majority of intercountry adoptions in Australia have consistently been from Asia, in line with global adoption trends.

With respect to other regions, in the Australian context, the proportions of children adopted from Africa and South/Central America have changed considerably (Figure 4.5). Only 1 adoption from Africa was finalised in 2015-16 (Table A6). This is a marked change from 2010-11 when 19% of finalised adoptions came from Africa (Table A6; Figure 4.5), directly attributable to changes in the number of adoptions from Ethiopia (whose program closed in 2012). After peaking at 70 in 2005-06, adoptions from Ethiopia declined to 3 adoptions in 2013-14 and nil in 2015-16 (AIHW 2014; AIHW Adoptions Australia data collection).

The percentage of children adopted from South/Central American countries declined from the mid-1990s – from 14% of all intercountry adoptions in 1996-97 to 0.5% in 2010-11 – and has been increasing since (Table A6; Figure 4.6). This increase has been due to the adoption of children from Colombia and Chile in recent years (AIHW Adoptions Australia data collection).

Adoptions from Romania were responsible for the increase in adoptions from 'Other' countries between 1998-99 and 2000-01. But 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).

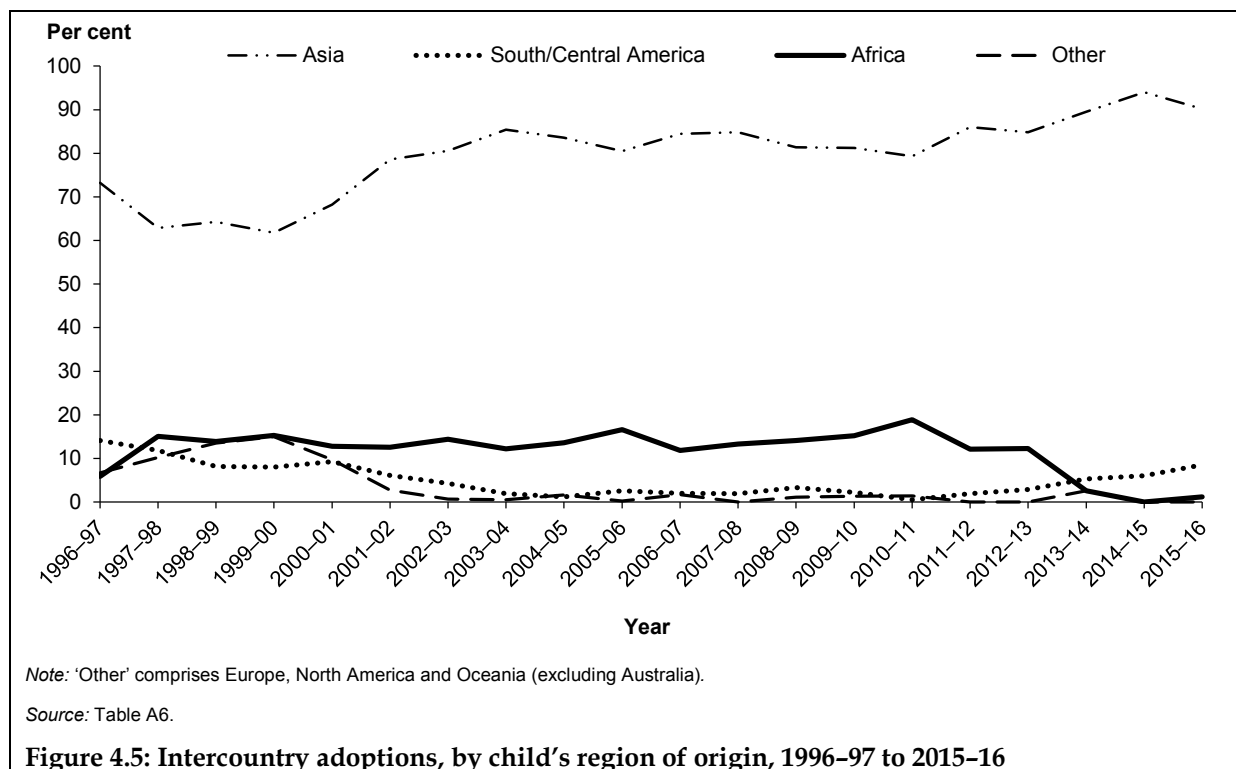


Figure 4.5: Intercountry adoptions, by child's region of origin, 1996-97 to 2015-16

Processing times

The median length of time from the time an applicant in Australia is approved to the time the child is placed steadily increased from 37 months (or just over 3 years) in 2007-08 to 64 months (more than 5 years) in 2014-15, then dropped in 2015-16 to 41 months (Table 4.1).

The processing times between when applicants became official clients of departments and an approval increased slightly between 2012-13 and 2015-16 (from 9 to 10 months). The time between the file being sent overseas and a child being allocated dropped in the same period (from 37 to 12 months) (Table 4.1). This decrease can be attributed to changes in the number of adoptions coming from certain countries. For example, between 2012-13 and 2015-16, the number of placements from China decreased, which in 2015-16 had the longest waiting time at 124 months (AIHW Adoptions Australia data collection).

Table 4.1: Median length of time for the intercountry adoption process, for children placed between 2007–08 and 2015–16 (months)^(a)

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 length of process ^(b)
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
2013–14	9	6	27	6	60
2014–15	12	5	20	6	64
2015–16	10	5	12	7	41

(a) This table includes all children who were placed with their adoptive families from 2007–08 to 2015–16, by the length of time each process took before the child was placed.

(b) Total process is the overall median length of time in months from when the applicant(s) became official clients of the department to when the child was placed. It might 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.

Influences on processing times

Several factors outside the control of Australian authorities can affect processing times, including the number and characteristics of children in need of intercountry adoption, the number of applications received and the resources of the overseas authority.

For example, Australia’s partner countries generally have more applications from prospective adoptive parents willing to parent healthy younger children and infants than there are children in need of adoption. In contrast, a growing proportion of children in need of intercountry adoption are considered to have special needs and more complex care requirements. The process for matching such a child with an appropriate carer can be more difficult than for children with less complex backgrounds, as there are relatively few prospective adoptive parents willing and able to provide suitable care for these children.

Several of Australia’s partner countries have changed their intercountry adoption programs to meet this challenge. Some countries (such as China, Chile and the Philippines) have established separate programs specifically for special needs adoptions – including adoptions of older children and sibling groups – and might accept more applications for children in these programs than in their general programs. Countries have also adapted their eligibility criteria for prospective adoptive parents. Also, in several countries, the maximum age for applicants applying to adopt older children or those with special needs is higher than for those applying to adopt healthy children (for example, China and Colombia) (IAA 2016b).

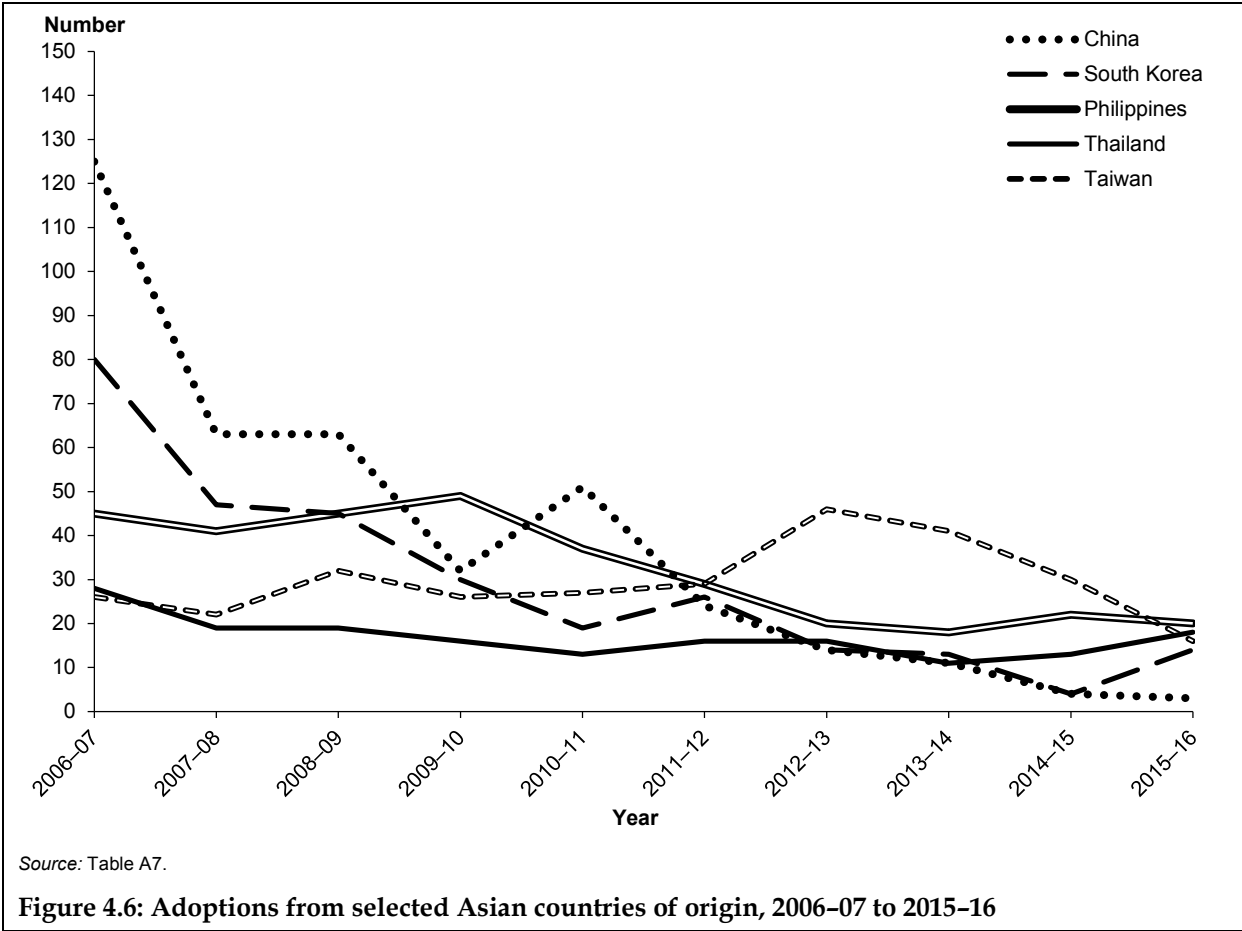
It is difficult to determine as yet whether providing for a broader range of potential adoptive parents under special needs programs may be reducing processing times. The complex

backgrounds of children in these programs in need of adoption suggest that applicants seeking only healthy infants might continue to face extended time frames.

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. But after Australia signed a bilateral agreement with China in 1999, the number of annual finalised adoptions from China rose 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 their own country. As a result, the number of children adopted from China has dramatically declined in recent years. Since a peak of 125 in 2006–07, numbers have fallen to 3 in 2015–16. The number of adoptions from South Korea fell from 80 to 14 in the same period (Table A7; Figure 4.6).



Taiwan had been the leading country of origin between 2011–12 and 2014–15 (although it shared this position with the Philippines in 2011–12) but in 2015–16 dropped behind the Philippines and Thailand. The number of adoptions from Taiwan rose from 26 in 2006–07 to 46 in 2012–13 before falling to 16 in 2015–16, in line with the overall trend in intercountry adoptions. The Philippines remained fairly stable between 2012–13 and 2015–16 (between 18 and 22 adoptions), while Thailand increased marginally from 16 to 18 (Table A7; Figure 4.6).

Accordingly, the percentage of annual adoptions from Taiwan rose from 6% of finalised intercountry adoptions in 2006–07 to 36% in 2014–15, before falling to 20% in 2015–16 (Table A7). As many prospective parents prefer to adopt younger children (Ward 2011), the relatively high number of infants aged under 12 months adopted from Taiwan (5 in 2015–16 falling from 18 in 2012–13) might also have contributed to the former increase in annual adoptions from this country (AIHW Adoptions Australia data collection). It remains to be seen if the decline in infant adoption, primarily from Taiwan, continues (see below, ‘Infants and older children’).

Notably, Taiwan has maintained a fairly constant median length of time for the intercountry adoption process over the past 5 years, while the majority of other countries were showing 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, although this has tended to even out among most countries in 2015–16 (with an average of 41 months, while Taiwan was 40 months), with the exception of Thailand at 80 months (Table 3.3).

Between 2006–07 and 2009–10, the number of annual adoptions from the Philippines remained consistently high relative to other countries, at more than 40 per year, declining thereafter to a low of 18 in 2013–14, and increasing marginally to 20 in 2015–16 (Table A7; Figure 4.6).

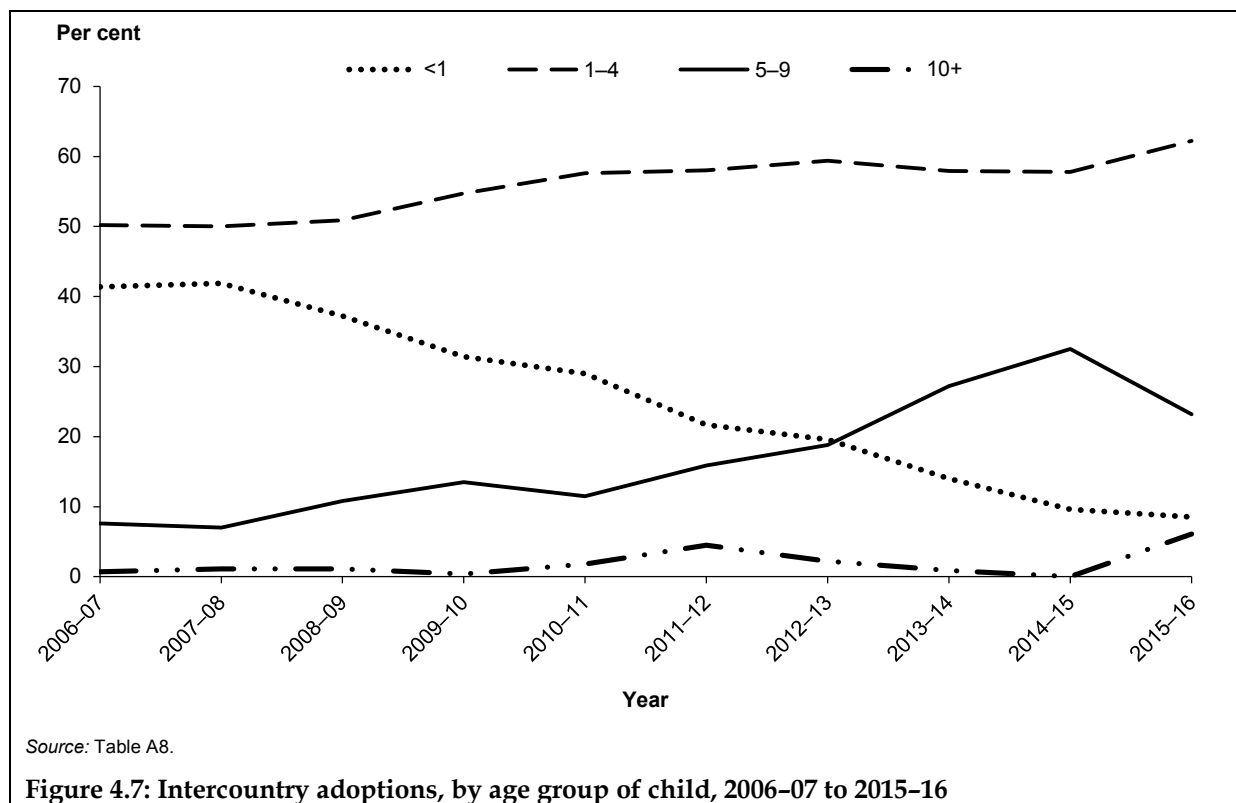
Infants and older children

Since 2007–08 (the earliest reported data), median processing times for infants – that is, children aged less than 1 year – have been consistently shorter than all other age groups, apart from 2010–11. Between 2007–08 and 2015–16, infant processing times ranged from 28 to 53 months compared with 37 to 69 months for other age groups (AIHW 2016a).

However, the percentage of infants in a finalised adoption from overseas has substantially declined since 2006–07 – from 41% of intercountry adoptions to 9% in 2015–16 (Table A8; Figure 4.7). Several factors have contributed 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. Falling fertility rates in key countries of origin, such as South Korea, are also likely to affect the number of infants needing adoption (Kenny et al. 2012; Selman 2009).

In turn, the relative proportion of adoptees aged 5–9 was increasing. In 2006–07, they comprised 8% of all intercountry adoptions. This percentage generally increased to a high of 33% in 2014–15, before pulling back to 23% in 2015–16. Children aged 1–4 and 10 and over have increased their relative proportions in recent years (Figure 4.7; Table A8).

Finding a suitable adoptive family can be more difficult for older children (Tan et al. 2007). As noted earlier, many prospective adoptive parents are seeking a younger child, and some believe older children are more likely to have health and behavioural issues (Malm & Welti 2010; Zhang & Lee 2011). For older intercountry adoptees, these issues are often compounded by a history of deprivation, with many likely to have spent long periods in poor-quality institutional care. This more complex background can make it harder for these children to find an adoptive family in their country of origin capable of providing the long-term therapeutic and intensive parenting they require. As a result, older children represent a growing proportion of the children for whom intercountry adoption is deemed to be appropriate (Spark et al. 2008).



Living arrangements of overseas adoptees 12 months later

Although most local and intercountry adoptions are successful, a minority of children are returned to (or enter into) state care or are placed with new adoptive parents. When this happens after the child is placed in an adoptive home but before the adoption is legally finalised, it is called 'disruption'. When it happens after the adoption is legally finalised, it is called 'dissolution'.

A recent study in the United Kingdom found that the greatest contributing factor to adoption disruption was the child's age, with teenagers 10 times more likely to have a disrupted adoption compared with younger children (Selwyn et al. 2014).

All intercountry children who were placed with adoptive parents in 2014-15 (excluding those placed in Western Australia for whom data were not available) were still with their adoptive families 12 months later, and the parental structures of those families were unchanged. This indicates adoption disruption did not occur for any of the 2014-15 placements (AIHW Adoptions Australia data collection). A similar level of stability in adoption placement and the parental structures of adoptive families, during the 12 months following placement, can be seen since reporting on this measure began in 2011-12 (AIHW 2012, 2013, 2014, 2015).

As data only capture changes that occurred for intercountry adoptees, and only during the 12 months after they were placed with their adoptive families, these data should be interpreted as an approximate measure of the incidence of adoption disruption.

It is difficult to assess how often adoption dissolution happens because, after the adoption is legally finalised, adoptees are no longer a readily identifiable group within the general population.

Adoption research suggests that disruptions are more common in adoptions involving certain risk factors, including:

- adoptions of children with special needs – such as older children and those with a history of physical or sexual abuse, deprivation and neglect, and those with emotional and behavioural problems
- failure to display a secure sense of attachment within the first 12–15 months
- parents having lack of prior foster care or adoption experience, limited or absent preparation, and access to only minimal information about the child’s history (ChildONEurope 2007; Clark et al. 2006; Roberson 2006; Spark et al. 2008).

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 Australians when placed outside their family (Lock 1997), as long as it is in the best interest of the child.

All states and territories have adopted the placement principle in policy and practice. In New South Wales, Western Australia and Victoria, legislation allows the birth parents to specify the type of adoptive family they would like for their child.

In the following order, the placement principle outlines a preference for Aboriginal or Torres Strait Islander children to be placed:

1. with the child’s extended family
2. within the child’s Indigenous community
3. with other Indigenous Australians.

Where these options are not available or appropriate, Indigenous children may be adopted by other families.

It should also be noted that the principle embeds engagement with Indigenous people in adoption-related decision making.

The number of Aboriginal and Torres Strait Islander children who are adopted each year is small. In 2015–16, only 3 Indigenous children had adoption orders finalised in Australia of whom 1 was adopted by Indigenous Australians and 2 were adopted by other Australians (AIHW Adoptions Australia data collection).

Due to the small number of these adoptions each year, it is difficult to identify trends. In the last 25 years (that is, since 1991–92), 130 Indigenous children have been adopted, with 51% adopted by Indigenous Australians and 49% adopted by other Australians (Table 4.2).

Table 4.2: Number of Indigenous children adopted, by Indigenous status of adoptive parent(s), 1991–92 to 1995–96 to 2011–12 to 2015–16

Year	Indigenous status of adoptive parent(s)		Total
	Indigenous Australian	Other Australian	
1991–92 to 1995–96	26	22	48
1996–97 to 2000–01	13	7	20
2001–02 to 2005–06	6	12	18
2006–07 to 2010–11	15	4	19
2011–12 to 2015–16	6	19	25
Total	66	64	130
%	50.8	49.2	100.0

Notes

1. Adoptive parents are included in the 'Indigenous Australian' category when at least 1 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 Alternatives to adoption

The importance of achieving permanency and stability for children and young people in out-of-home care has been widely recognised, and the AIHW (2016b) has recently reported on how this has been reflected in jurisdictional changes in policy and legislation across Australia. Changes have focused on early planning for permanency, including decisions about the appropriateness of reunification or alternative long-term care arrangements. Alternative arrangements include known carer adoption, and care and protection orders that transfer guardianship and custody to carers. Current data development projects aim to improve the collection and reporting of permanency-related data, which may enable expanded reporting in future editions of *Adoptions Australia*. For example, it may become possible to report children and young people exiting New South Wales child protection services under guardianship orders, as permanency alternatives to adoption. As noted earlier, New South Wales carer adoptions in 2015–16 fell 22% on the previous year (AIHW 2015), due in part to the application of guardianship orders for children in out-of-home care, from late 2014. These orders aim to achieve permanency and stability for a child until at least 18 years, without cutting legal ties to their family (FACS 2016).

At present, this report contains data on permanent care orders in Victoria. They were introduced in 1992 to overcome the uncertainty often associated with placing children on former guardianship or custody orders. Following legislative change in Victoria, on 1 March 2016, the terms 'custody' and 'guardianship' have been replaced with 'parental responsibility' or 'sole parental responsibility to the exclusion of all others'.

Permanent care orders grant permanent parental responsibility to the exclusion of all others 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. An application may also 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. Permanent care orders aim 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 increased markedly. In 2015–16, the 503 orders granted represented an 82% increase on the 277 orders granted in 2014–15. It was a substantial increase on the 11 orders in 1992–93 (Table 4.3). The Children’s Court of Victoria has granted 4,466 permanent care orders since their inception in 1992.

Table 4.3: Number of permanent care orders granted in Victoria, 1992–93 to 2015–16

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
2013–14	154	148	302
2014–15	162	115	277
2015–16	239	264	503

Source: Victorian Government Department of Health and Human Services.

Appendix A: Statistical tables

Table A1: Number of children adopted, by state and territory, 1991–92 to 2015–16

Year	NSW ^(a)	Vic	Qld	WA	SA	Tas	ACT ^(b)	NT	Australia
1991–92	310	185	232	120	112	58	23	12	1,052
1992–93	209	101	222	87	111	23	20	10	783
1993–94	188	112	206	85	106	37	21	9	764
1994–95	260	145	179	127	108	12	18	6	855
1995–96	204	131	170	75	48	17	19	4	668
1996–97	263	123	129	56	79	30	26	3	709
1997–98	200	114	111	69	48	19	15	1	577
1998–99	185	102	94	64	53	25	16	6	543
1999–00	154	122	105	79	59	19	24	4	566
2000–01	166	98	62	74	53	24	27	10	514
2001–02	207	110	49	79	62	20	23	11	561
2002–03	122	82	67	76	72	21	25	7	472
2003–04	115	120	65	59	79	26	33	5	502
2004–05	154	161	84	49	77	23	20	17	585
2005–06	149	131	82	62	72	35	30	15	576
2006–07 ^(c)	165	127	91	65	62	26	22	11	569
2007–08	125	98	86	41	36	31	14	9	440
2008–09	155	71	92	43	35	23	13	9	441
2009–10 ^(c)	158	81	68	50	26	9	16	5	413
2010–11 ^{(c)(d)}	167	86	40	37	30	14	11	1	386
2011–12 ^(c)	157	73	33	26	24	6	11	11	341
2012–13 ^(c)	159	45	48	42	20	14	6	14	348
2013–14	141	48	34	40	15	12	17	10	317
2014–15	148	38	38	29	17	11	9	2	292
2015–16	128	34	48	29	17	8	5	9	278

(a) New South Wales was unable to provide data on adoptions by step-parents from 1991–92 to 1993–94.

(b) Data for 1998–99 might differ from those in previous reports because of updated figures.

(c) On 4 March 2014, amendments to the Family Law (Bilateral Arrangements—Intercountry Adoption) Regulations 1998 began. These have meant that some adoptions from Ethiopia and Taiwan, not yet finalised in Australia, were recognised during 2013–14 as being finalised in previous periods. These updated data are reflected in this table: 1 adoption from Ethiopia in 2006–07; 1 adoption from Ethiopia in 2009–10; 1 adoption from Ethiopia and 1 adoption from Taiwan in 2010–11; 1 adoption from Ethiopia and 7 adoptions from Taiwan in 2011–12; and 9 adoptions from Taiwan in 2012–13.

(d) Interim adoption orders made by the Childrens Court in Queensland are not captured in this data set. Under Queensland's *Adoption Act 2009*, which took effect on 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: Data for years before 1991–92 are included in previous editions of this publication.

Source: AIHW Adoptions Australia data collection.

Table A2: Type of adoption, by age group and sex of child, 2015–16

Age group (years)	Intercountry adoptions			Local adoptions			Known child adoptions ^(a)			Total ^(a)		
	M	F	P	M	F	P	M	F	P	M	F	P
Number												
Under 1	3	4	7	11	10	21	—	—	—	14	14	28
1–4	35	16	51	17	7	24	9	4	13	61	27	88
5–9	13	6	19	—	—	—	28	20	48	41	26	67
10–14	2	2	4	—	—	—	23	19	42	25	21	46
15–17	1	—	1	—	—	—	13	11	24	14	11	25
18+	—	—	—	—	—	—	13	10	24	13	10	24
Total	54	28	82	28	17	45	86	64	151	168	109	278
%												
Under 1	5.6	14.3	8.5	39.3	58.8	46.7	—	—	—	8.3	12.8	10.1
1–4	64.8	57.1	62.2	60.7	41.2	53.3	10.5	6.3	8.6	36.3	24.8	31.7
5–9	24.1	21.4	23.2	—	—	—	32.6	31.3	31.8	24.4	23.9	24.2
10–14	3.7	7.1	4.9	—	—	—	26.7	29.7	27.8	14.9	19.3	16.5
15–17	1.9	—	1.2	—	—	—	15.1	17.2	15.9	8.3	10.1	9.0
18+	—	—	—	—	—	—	15.1	15.6	15.9	7.7	9.2	8.6
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

(a) Total persons includes 1 child of unknown sex, excluded from percentages.

Notes

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

Source: AIHW Adoptions Australia data collection.

Table A3: Number of children who were placed for adoption, regardless of whether the adoption order was finalised, by state and territory, 2015–16

Type of adoption	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Australia
Local placement	10	15	4	2	3	4	2	1	41
Intercountry placement									
Hague adoption	11	4	1	3	10	—	1	1	31
Non-Hague adoption	9	5	6	—	5	1	—	4	30
<i>Total intercountry placements</i>	<i>20</i>	<i>9</i>	<i>7</i>	<i>3</i>	<i>15</i>	<i>1</i>	<i>1</i>	<i>5</i>	<i>61</i>
Total	30	24	11	5	18	5	3	6	102

Note: This table includes children placed with their adoptive families during 2015–16. Some children placed for adoption during this period might not have their adoption finalised until the following year. In addition, some adoption orders finalised in 2015–16 might relate to children who were placed in the previous year.

Source: AIHW Adoptions Australia data collection.

Table A4: Number of intercountry adoptions, by state and territory, 2001–02 to 2015–16

Year	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Australia
2001–02	71	74	33	29	54	16	9	8	294
2002–03	61	59	29	24	68	15	15	7	278
2003–04	66	86	49	44	72	22	26	5	370
2004–05	88	132	65	29	74	18	12	16	434
2005–06	93	104	61	36	69	26	20	12	421
2006–07 ^(a)	113	95	63	40	56	11	18	10	406
2007–08	73	66	47	17	32	23	5	7	270
2008–09	93	48	49	14	34	17	6	8	269
2009–10 ^(a)	79	54	38	18	21	6	6	1	223
2010–11 ^(a)	72	56	35	8	26	12	7	1	217
2011–12 ^(a)	53	37	20	5	23	4	6	9	157
2012–13 ^(a)	38	24	25	10	18	9	4	10	138
2013–14	30	22	15	9	14	7	10	7	114
2014–15	31	9	19	3	14	4	2	1	83
2015–16	21	9	26	4	14	2	1	5	82

(a) On 4 March 2014, amendments to the Family Law (Bilateral Arrangements—Intercountry Adoption) Regulations 1998 began. These have meant that some adoptions from Ethiopia and Taiwan, not yet finalised in Australia, were recognised during 2013–14 as being finalised in previous periods. These updated data are reflected in this table: 1 adoption from Ethiopia in 2006–07; 1 adoption from Ethiopia in 2009–10; 1 adoption from Ethiopia and 1 adoption from Taiwan in 2010–11; 1 adoption from Ethiopia and 7 adoptions from Taiwan in 2011–12; and 9 adoptions from Taiwan in 2012–13.

Note: Data for years before 2001–02 are included in previous editions of this publication.

Source: AIHW Adoptions Australia data collection.

Table A5: Number of adoption visas (subclass 102) issued during 2015–16

Country of birth	Adoptions arranged by Australian state/territory authority	Adoptions arranged by overseas agency/ authority	Total
Ethiopia	—	21	21
Malaysia	—	11	11
Singapore	—	10	10
Taiwan	16	—	16
United Kingdom	—	12	12
Other ^(a)	29	75	104
Total	45	129	174

(a) Includes Brazil, Bulgaria, Cambodia, China, Democratic Republic of Timor-Leste, Fiji, Germany, Hong Kong, India, Indonesia, Iran, Japan, Kenya, Mexico, Papua New Guinea, Philippines, Republic of Korea, Russian Federation, Samoa, Solomon Islands, South Africa, Sri Lanka, Stateless, Thailand, Tonga, Uganda, United States of America, Vanuatu, Vietnam.

Notes

1. This table relates to visas (subclass 102) that were issued during 2015–16. Not all children who enter Australia will have their adoption finalised in the same year that their visa was issued. Only the people recorded by the Department of Immigration and Border Protection are included in this table.
2. Some visas in this table have been issued for intercountry known child adoptions. These cases are not included in other counts of intercountry adoptions or finalised adoptions in the AIHW Adoptions Australia national collection.

Source: Department of Immigration and Border Protection, unpublished data.

Table A6: Intercountry adoptions, by child's region of origin, 1996–97 to 2015–16

Year	Asia		South/Central America		Africa		Other		Total	
	Number	%	Number	%	Number	%	Number	%	Number	%
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 ^(a)	343	84.5	8	2.0	48	11.8	7	1.7	406	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 ^(a)	181	81.2	5	2.2	34	15.2	3	1.3	223	100.0
2010–11 ^(a)	172	79.3	1	0.5	41	18.9	3	1.4	217	100.0
2011–12 ^(a)	135	86.0	3	1.9	19	12.1	—	—	157	100.0
2012–13 ^(a)	117	84.8	4	2.9	17	12.3	—	—	138	100.0
2013–14	102	89.5	6	5.3	3	2.6	3	2.6	114	100.0
2014–15	78	94.0	5	6.0	—	—	—	—	83	100.0
2015–16	74	90.2	7	8.5	1	1.2	—	—	82	100.0

(a) On 4 March 2014, amendments to the Family Law (Bilateral Arrangements—Intercountry Adoption) Regulations 1998 began. These have meant that some adoptions from Ethiopia and Taiwan, not yet finalised in Australia, were recognised during 2013–14 as being finalised in previous periods. These updated data are reflected in this table: 1 adoption from Ethiopia in 2006–07; 1 adoption from Ethiopia in 2009–10; 1 adoption from Ethiopia and 1 adoption from Taiwan in 2010–11; 1 adoption from Ethiopia and 7 adoptions from Taiwan in 2011–12; and 9 adoptions from Taiwan in 2012–13.

Notes

1. Percentages might not add to 100 due to rounding.
2. 'Other' comprises Europe, North America and Oceania.
3. Data for years before 1996–97 are included in previous editions of this publication.

Source: AIHW Adoptions Australia data collection.

Table A7: Intercountry adoptions, by country of origin, 2006–07 to 2015–16

Country of birth	2006–07	2007–08	2008–09	2009–10	2010–11	2011–12	2012–13	2013–14	2014–15	2015–16	Total
Number											
China ^(a)	125	63	63	32	51	24	14	11	4	3	390
India	25	27	12	22	19	8	3	7	2	—	125
Philippines	45	41	45	49	37	29	20	18	22	20	326
South Korea	80	47	45	30	19	26	14	13	4	14	292
Taiwan ^(b)	26	22	32	26	27	29	46	41	30	16	295
Thailand	28	19	19	16	13	16	16	11	13	18	169
Other ^(c)	77	51	53	48	51	25	25	13	8	11	362
Total	406	270	269	223	217	157	138	114	83	82	1,959
%											
China ^(a)	30.8	23.3	23.4	14.3	23.5	15.3	10.1	9.6	4.8	3.7	19.9
India	6.2	10.0	4.5	9.9	8.8	5.1	2.2	6.1	2.4	—	6.4
Philippines	11.1	15.2	16.7	22.0	17.1	18.5	14.5	15.8	26.5	24.4	16.6
South Korea	19.7	17.4	16.7	13.5	8.8	16.6	10.1	11.4	4.8	17.1	14.9
Taiwan ^(b)	6.4	8.1	11.9	11.7	12.4	18.5	33.3	36.0	36.1	19.5	15.1
Thailand	6.9	7.0	7.1	7.2	6.0	10.2	11.6	9.6	15.7	22.0	8.6
Other ^(c)	19.0	18.9	19.7	21.5	23.5	15.9	18.1	11.4	9.6	13.4	18.5
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

(a) Excludes Special Administrative Regions and Taiwan Province.

(b) On 4 March 2014, amendments to the Family Law (Bilateral Arrangements—Intercountry Adoption) Regulations 1998 began. These have meant that some adoptions from Ethiopia and Taiwan, not yet finalised in Australia, were recognised during 2013–14 as being finalised in previous periods. These updated data are reflected in this table: 1 adoption from Ethiopia in 2006–07; 1 adoption from Ethiopia in 2009–10; 1 adoption from Ethiopia and 1 adoption from Taiwan in 2010–11; 1 adoption from Ethiopia and 7 adoptions from Taiwan in 2011–12; and 9 adoptions from Taiwan in 2012–13.

(c) Includes Bolivia, Bulgaria, Burundi, Chile, Columbia, Ethiopia, Guatemala, Hong Kong, Lithuania, Peru, Poland, South Africa, Sri Lanka, Turkey and United Kingdom.

Notes

1. Percentages might not add to 100 because of rounding.
2. Data for years before 2006–07 are included in previous editions of this publication.

Source: AIHW Adoptions Australia data collection.

Table A8: Intercountry adoptions, by age group, 2001–02 to 2015–16

Year	<1	1–4	5–9	10+	Total
Number					
2001–02	89	150	46	9	294
2002–03	77	163	29	9	278
2003–04	152	194	24	—	370
2004–05	159	236	38	1	434
2005–06	199	178	40	4	421
2006–07 ^(a)	168	204	31	3	406
2007–08	113	135	19	3	270
2008–09	100	137	29	3	269
2009–10 ^(a)	70	122	30	1	223
2010–11 ^(a)	63	125	25	4	217
2011–12 ^(a)	34	91	25	7	157
2012–13 ^(a)	27	82	26	3	138
2013–14	16	66	31	1	114
2014–15	8	48	27	—	83
2015–16	7	51	19	5	82
%					
2001–02	30.3	51.0	15.6	3.1	100.0
2002–03	27.7	58.6	10.4	3.2	100.0
2003–04	41.1	52.4	6.5	—	100.0
2004–05	36.6	54.4	8.8	0.2	100.0
2005–06	47.3	42.3	9.5	1.0	100.0
2006–07 ^(a)	41.4	50.2	7.6	0.7	100.0
2007–08	41.9	50.0	7.0	1.1	100.0
2008–09	37.2	50.9	10.8	1.1	100.0
2009–10 ^(a)	31.4	54.7	13.5	0.4	100.0
2010–11 ^(a)	29.0	57.6	11.5	1.8	100.0
2011–12 ^(a)	21.7	58.0	15.9	4.5	100.0
2012–13 ^(a)	19.6	59.4	18.8	2.2	100.0
2013–14	14.0	57.9	27.2	0.9	100.0
2014–15	9.6	57.8	32.5	—	100.0
2015–16	8.5	62.2	23.2	6.1	100.0

(a) On 4 March 2014, amendments to the Family Law (Bilateral Arrangements—Intercountry Adoption) Regulations 1998 began. These have meant that some adoptions from Ethiopia and Taiwan, not yet finalised in Australia, were recognised during 2013–14 as being finalised in previous periods. These updated data are reflected in this table: 1 adoption from Ethiopia in 2006–07; 1 adoption from Ethiopia in 2009–10; 1 adoption from Ethiopia and 1 adoption from Taiwan in 2010–11; 1 adoption from Ethiopia and 7 adoptions from Taiwan in 2011–12; and 9 adoptions from Taiwan in 2012–13.

Notes

1. Percentages might not add to 100 due to rounding.
2. Data for years before 2001–02 are included in previous editions of this publication.

Source: AIHW Adoptions Australia data collection.

Table A9: Intercountry adoptions, by type of adoption, country of origin and age group, 2015–16

Country of origin	Number					%				
	<1	1–4	5–9	10+	All	<1	1–4	5–9	10+	All
Hague adoption										
Chile	—	—	3	—	3	—	—	100.0	—	100.0
China ^(a)	—	3	—	—	3	—	100.0	—	—	100.0
Colombia	1	2	1	—	4	25.0	50.0	25.0	—	100.0
Philippines	—	11	6	3	20	—	55.0	30.0	15.0	100.0
Sri Lanka	1	1	—	—	2	50.0	50.0	—	—	100.0
Thailand	—	15	3	—	18	—	83.3	16.7	—	100.0
Other ^(b)	—	—	1	1	2	—	—	50.0	50.0	100.0
<i>Total Hague adoptions</i>	2	32	14	4	52	3.8	61.5	26.9	7.7	100.0
Non-Hague adoption										
South Korea	—	13	1	—	14	—	92.9	7.1	—	100.0
Taiwan	5	6	4	1	16	31.3	37.5	25.0	6.3	100.0
<i>Total non-Hague adoptions</i>	5	19	5	1	30	16.7	63.3	16.7	3.3	100.0
Total	7	51	19	5	82	8.5	62.2	23.2	6.1	100.0

(a) Excludes Special Administrative Regions and Taiwan Province.

(b) Includes Hong Kong and South Africa.

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

Source: AIHW Adoptions Australia data collection.

Table A10: Local and intercountry adoptions, by sibling groups, 2015–16

Type of adoption	Number of sibling groups	Children adopted in sibling groups	
		Number	%
Local adoption	—	—	—
Intercountry adoptions			
Hague adoption	4	10	19.2
Non-Hague adoption	—	—	—
<i>Total intercountry adoptions</i>	4	10	12.2
Total	4	10	7.9

Source: AIHW Adoptions Australia data collection.

Table A11: Number of intercountry adoptions from Hague countries, by type of order under which the child entered Australia, 2015–16

Country of origin	Full adoption order in country of origin	Guardianship order	Total
Chile	3	—	3
China ^(a)	3	—	3
Colombia	4	—	4
Philippines	—	20	20
Sri Lanka	2	—	2
Thailand	1	17	18
Other ^(b)	1	1	2
Total	14	38	52
%	26.9	73.1	100.0

(a) Excludes Special Administrative Regions and Taiwan Province.

(b) Includes Hong Kong and South Africa.

Source: AIHW Adoptions Australia data collection.

Table A12: Number of local and intercountry adoptions, by age group of the adoptive parent(s), 2015–16

Type of adoption	<25	25–29	30–34	35–39	40–44	45–49	50–54	55+	Total
Adoptive mother									
Local adoptions	—	3	8	14	14	4	1	1	45
Intercountry adoptions									
Hague adoption	—	—	2	7	20	14	8	1	52
Non-Hague adoption	—	—	1	7	11	10	—	1	30
<i>Total intercountry</i>	—	—	3	14	31	24	8	2	82
Total	—	3	11	28	45	28	9	3	127
Adoptive father									
Local adoptions	—	2	9	10	17	4	—	2	44
Intercountry adoptions									
Hague adoption	—	—	—	6	10	23	9	3	51
Non-Hague adoption	—	—	1	6	13	8	2	—	30
<i>Total intercountry</i>	—	—	1	12	23	31	11	3	81
Total	—	2	10	22	40	35	11	5	125
Adoptive parents									
Local adoptions	—	5	17	24	31	8	1	3	89
Intercountry adoptions									
Hague adoption	—	—	2	13	30	37	17	4	103
Non-Hague adoption	—	—	2	13	24	18	2	1	60
<i>Total intercountry</i>	—	—	4	26	54	55	19	5	163
Total	—	5	21	50	85	63	20	8	252

Note: In 2015–16, 127 local and intercountry adoptions were finalised (45 local and 82 intercountry). The total for mothers and fathers vary as 2 adoptive parents were single mothers (1 local and 1 intercountry).

Source: AIHW Adoptions Australia data collection.

Table A13: Number of local adoptions, by state and territory, 2001–02 to 2015–16

Year	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Australia
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 ^(a)	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
2013–14	9	20	9	4	1	2	1	—	46
2014–15	9	24	10	7	2	4	—	—	56
2015–16	10	15	9	3	2	2	2	2	45

(a) Interim adoption orders made by the Childrens Court of Queensland are not captured in this data set. Under Queensland's *Adoption Act 2009*, 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.

Notes

1. Changes to the categories of adoption introduced in 1998–99 limit the amount of trend data available for local adoptions (see Section 2.1).
2. Data for years before 2001–02 are included in previous editions of this publication.

Source: AIHW Adoptions Australia data collection.

Table A14: Local adoptions, by median age of birth mother at child's birth, 2001–02 to 2015–16

Year	Median age of birth mother
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
2013–14	24.0
2014–15	24.5
2015–16	26.0

Note: Data for years before 2001–02 are included in previous editions of this publication.

Source: AIHW Adoptions Australia data collection.

Table A15: Local adoptions, by marital status and age group of birth mother at child's birth, 2015–16

Age group (years)	Married		Unmarried ^{(a)(b)}		Total ^(c)	
	Number	%	Number	%	Number	%
<20	—	—	7	17.5	7	16.3
20–24	—	—	12	30.0	12	27.9
25–29	—	—	6	15.0	6	14.0
30–34	1	33.3	11	27.5	12	27.9
35–39	2	66.7	3	7.5	5	11.6
40+	—	—	1	2.5	1	2.3
Total^(b)	3	100.0	41	100.0	45	100.0

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

(b) Total number includes 1 female whose age was unknown, excluded from percentages.

(c) Total number includes 1 female whose age was unknown and 1 female whose age and marital status were unknown, excluded from percentages.

Source: AIHW Adoptions Australia data collection.

Table A16: Local adoptions, by marital status of birth mother, 1998–99 to 2015–16

Year	Married		Unmarried ^(a)		Unknown	Total	
	Number	%	Number	%	Number	Number	%
1998–99	14	12.0	103	88.0	10	127	100.0
1999–00	10	12.5	70	87.5	26	106	100.0
2000–01	14	19.4	58	80.6	16	88	100.0
2001–02	7	7.4	87	92.6	13	107	100.0
2002–03	5	6.7	70	93.3	3	78	100.0
2003–04	6	8.5	65	91.5	2	73	100.0
2004–05	6	9.2	59	90.8	—	65	100.0
2005–06	7	11.9	52	88.1	1	60	100.0
2006–07	8	13.8	50	86.2	1	59	100.0
2007–08	^(b) 22	31.4	48	68.6	—	70	100.0
2008–09	4	6.0	63	94.0	1	68	100.0
2009–10	^(b) 5	8.2	56	91.8	—	61	100.0
2010–11	^(b) 5	11.1	40	88.9	—	45	100.0
2011–12	^(b) 8	14.5	47	85.5	—	55	100.0
2012–13	3	5.7	50	94.3	1	54	100.0
2013–14	3	6.5	43	93.5	—	46	100.0
2014–15	6	10.7	50	89.3	—	56	100.0
2015–16	3	6.8	41	93.2	1	45	100.0

(a) 'Unmarried' comprises couples in a de facto relationship and single 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 exclude 'unknown'.
2. Changes to the categories of adoption introduced in 1998–99 limit the amount of trend data available for local adoptions (see Section 2.1).
3. Data for years before 1998–99 are included in previous editions of this publication.

Source: AIHW Adoptions Australia data collection.

Table A17: Percentage of local adoptions, by type of agreement, 2001–02 to 2015–16

Year	No contact or information exchange	Some contact and/or information exchange
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
2013–14	10.9	89.1
2014–15	8.9	91.1
2015–16	11.1	88.9

Note: Data for years before 2001–02 are included in previous editions of this publication.

Source: AIHW Adoptions Australia data collection.

Table A18: Local adoptions, by type of arranging body, 2015–16

Arranging body	Number	%
Government department	32	71.1
Non-government agency	13	28.9
Total	45	100.0

Source: AIHW Adoptions Australia data collection.

Table A19: Number of known child adoptions, by state and territory, 2001–02 to 2015–16

Year	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Australia
2001–02	82	14	6	37	5	2	11	3	160
2002–03	39	3	15	46	1	3	9	—	116
2003–04	25	11	2	12	1	3	5	—	59
2004–05	42	13	6	16	1	3	5	—	86
2005–06	33	10	13	17	3	7	9	3	95
2006–07	40	14	16	17	1	12	3	1	104
2007–08	37	5	22	21	3	5	6	1	100
2008–09	42	5	23	22	—	5	6	1	104
2009–10	66	9	20	20	3	1	8	2	129
2010–11	81	7	4	25	2	2	3	—	124
2011–12	91	8	6	18	1	—	4	1	129
2012–13	108	4	10	26	—	3	2	3	156
2013–14	102	6	10	27	—	3	6	3	157
2014–15	108	5	9	19	1	3	7	1	153
2015–16	97	10	13	22	1	4	2	2	151

Notes

1. Changes to the categories of adoption introduced in 1998–99 limit the amount of trend data available for local adoptions (see Section 2.1).
2. Data for years before 2001–02 are included in previous editions of this publication.

Source: AIHW Adoptions Australia data collection.

Table A20: Known child adoptions, by relationship to adoptive parents, and age group and sex of child, 2015–16

Age group (years)	Step-parent ^(a)			Carer			Relative/other ^(b)			Total ^(a)		
	M	F	P	M	F	P	M	F	P	M	F	P
	Number											
<1	—	—	—	—	—	—	—	—	—	—	—	—
1–4	2	1	3	7	3	10	—	—	—	9	4	13
5–9	12	9	21	15	11	26	1	—	1	28	20	48
<10	14	10	24	22	14	36	1	—	1	37	24	61
10–14	12	8	20	11	9	20	—	2	2	23	19	42
15–17	7	8	15	6	3	9	—	—	—	13	11	24
18+	8	8	17	3	2	5	2	—	2	13	10	24
10–18+	27	24	52	20	14	34	2	2	4	49	40	90
Total	41	34	76	42	28	70	3	2	5	86	64	151
	%											
<1	—	—	—	—	—	—	—	—	—	—	—	—
1–4	4.9	2.9	3.9	16.7	10.7	14.3	—	—	—	10.5	6.3	8.6
5–9	29.3	26.5	27.6	35.7	39.3	37.1	33.3	—	20.0	32.6	31.3	31.8
<10	34.2	29.4	31.5	52.4	50.0	51.4	33.3	—	20.0	43.1	37.5	40.4
10–14	29.3	23.5	26.3	26.2	32.1	28.6	—	100.0	40.0	26.7	29.7	27.8
15–17	17.1	23.5	19.7	14.3	10.7	12.9	—	—	—	15.1	17.2	15.9
18+	19.5	23.5	22.4	7.1	7.1	7.1	66.7	—	40.0	15.1	15.6	15.9
10–18+	65.9	70.5	68.4	47.6	49.9	48.6	66.7	100.0	80.0	56.9	62.5	59.6
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

(a) Totals include 1 person aged 18 or over of unknown sex.

(b) Comprises relatives other than step-parents and commissioning (surrogate) parent(s), whether the commissioning parent(s) is/are a relative or not.

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

Source: AIHW Adoptions Australia data collection.

Table A21: Known child adoptions, by relationship to adoptive parent(s), 2001–02 to 2015–16

Year	Step-parent	Relative^(a)	Carer	Other	Total
	Number				
2001–02	103	5	52	..	160
2002–03	72	2	29	13	116
2003–04	31	3	25	..	59
2004–05	52	5	29	..	86
2005–06	69	4	21	1	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
2013–14	64	2	89	2	157
2014–15	52	4	94	3	153
2015–16	76	3	70	2	151
	%				
2001–02	64.4	3.1	32.5	..	100.0
2002–03	62.1	1.7	25.0	11.2	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	4.2	22.1	1.1	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
2013–14	40.8	1.3	56.7	1.3	100.0
2014–15	34.0	2.6	61.4	2.0	100.0
2015–16	50.3	2.0	46.4	1.3	100.0

(a) Comprises relatives other than step-parents.

Notes

1. Percentages might not add to 100 because of rounding.
2. Changes to the categories of adoption introduced in 1998–99 limit the amount of trend data available for known child adoptions (see Section 2.1).
3. 'Other' was included as a reporting category in 2000–01, but not was not consistently used until 2007–08. In addition to adoptions by commissioning parents, adoptions recorded as 'Other' before 2007–08 may include adoptions where the relationship with the adoptive parent was unknown.
4. Data for years before 2001–02 are included in previous editions of this publication.

Source: AIHW Adoptions Australia data collection.

Table A22: Number of information applications and vetoes lodged, 1996–97 to 2015–16

Year	Applications for access to information lodged	Contact and information vetoes lodged
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
2013–14	2,695	131
2014–15	2,602	66
2015–16	2,726	68

Notes

1. Contact vetoes lodged do not necessarily relate directly to the information applications lodged—contact vetoes may be lodged for adoptions for which information might never be requested.
2. Data for years before 1996–97 are included in previous editions of this publication.

Source: AIHW Adoptions Australia data collection.

Table A23: Adoptions in Australia, by type of adoption, 1991–92 to 2015–16

Year	Children adopted from Australia		Children adopted from overseas		Total ^(a)	
	Number	%	Number	%	Number	%
1991–92	^(b) 713	67.8	338	32.1	1,052	100.0
1992–93	^(b) 556	71.0	227	29.0	783	100.0
1993–94	^(b) 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 ^(c)	163	28.6	406	71.4	569	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 ^(c)	190	46.0	223	54.0	413	100.0
2010–11 ^(c)	169	43.8	217	56.2	386	100.0
2011–12 ^(c)	184	54.0	157	46.0	341	100.0
2012–13 ^(c)	210	60.3	138	39.7	348	100.0
2013–14	203	64.0	114	36.0	317	100.0
2014–15	209	71.6	83	28.4	292	100.0
2015–16	196	70.5	82	29.5	278	100.0

(a) Includes children of unknown country of origin, so numbers and percentages for subcategories might not add to the total.

(b) New South Wales was unable to provide data on adoptions by step-parents from 1991–92 to 1993–94.

(c) On 4 March 2014, amendments to the Family Law (Bilateral Arrangements—Intercountry Adoption) Regulations 1998 began. These have meant that some adoptions from Ethiopia and Taiwan, not yet finalised in Australia, were recognised during 2013–14 as being finalised in previous periods. These updated data are reflected in this table: 1 adoption from Ethiopia in 2006–07; 1 adoption from Ethiopia in 2009–10; 1 adoption from Ethiopia and 1 adoption from Taiwan in 2010–11; 1 adoption from Ethiopia and 7 adoptions from Taiwan in 2011–12; and 9 adoptions from Taiwan in 2012–13.

Note: Data for years before 1991–92 are included in previous editions of this publication.

Sources: AIHW Adoptions Australia data collection.

Table A24: Adoptions of Australian children, by relationship to adoptive parent(s), 1991–92 to 2015–16

Year	Adopted by relatives		Adopted by non-relatives		Total ^(a)	
	Number	%	Number	%	Number	%
1991–92 ^(b)	295	41.4	418	58.6	713	100.0
1992–93 ^(b)	250	45.0	306	55.0	556	100.0
1993–94 ^(b)	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
2013–14	66	32.5	137	67.5	203	100.0
2014–15	56	26.8	153	73.2	209	100.0
2015–16	79	40.3	117	59.7	196	100.0

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

(b) New South Wales was unable to provide data on adoptions by step-parents from 1991–92 to 1993–94.

Notes

1. The total number of adoptions of Australian children in 2015–16 (196) includes the sum of local adoptions (45) and known child adoptions (151).
2. 'Relatives' comprises: step-parents; other relatives, such as grandparents, aunts and uncles; and commissioning (surrogate) parents. 'Non-relatives' comprises foster carers and other non-relatives.
3. Data for years before 1991–92 are included in previous editions of this publication.

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 2015

Level of court

- Supreme Court of New South Wales

Step-parent adoptions

Step-parents apply directly to the Supreme Court to adopt a stepchild in their care.

The child must be 5 years old and have resided 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 completed by an adoption assessor approved by the 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 who are unable to live with their parents or extended family are placed with authorised carers (foster carers) under an order of the Children's Court allocating parental responsibility to the Minister of the New South Wales Department of Family and Community Services until they turn 18. An authorised carer, who is also an approved adoptive applicant, may adopt a child in their care, if this is assessed as being an appropriate permanency plan for the child. Adoption must be clearly preferable to any other order and in the best interests of the child.

The consent of both birth parents is sought. Where the child and carer(s) have established a stable relationship, and it is assessed that adoption will promote the child's welfare and is in their best interests, the Supreme Court may dispense with the consent of 1 or both birth parents. Where possible, a parent whose consent is dispensed with must be notified of the adoption application. The consent of any guardian is also required.

The sole consent of a child aged 12 or over must be given where the child is mature enough to understand the effects of giving consent, and has been cared for by the prospective adoptive parent(s) for at least 2 years. Where possible, the birth parents and any guardian must be notified of the adoption application. No other consent is required. Where a child aged 12 or over does not have the capacity to give consent, the requirement for their consent may be dispensed with by the Supreme Court. If the child's consent is dispensed with, the consent of the parents and any guardian is required.

All parties to an adoption are encouraged to participate in developing an adoption plan—a written plan that explains how the child will remain connected to their birth family and culture through their growing years. At least 2 parties to an adoption must agree to the adoption plan. A non-consenting birth parent who agrees to an adoption plan is to be treated as if they were a party to the adoption of the child.

If an adoption plan is registered in the Supreme Court, it becomes part of the adoption order, and becomes enforceable as an order of the Supreme Court.

Local and intercountry adoptions

To apply for an adoption in New South Wales, applicant(s) must:

- live in New South Wales
- be aged over 21, and
- be either a single person or a couple who have been living together continuously for 2 years.

Gazetted selection criteria apply, and are available from the state's Department of Family and Community Services' website at: <www.community.nsw.gov.au/parents-carers-and-families/fostering-guardianship-and-adoption/adoption>.

The main consideration for any adoption order being made is that it is in the best interests of the child, in both childhood and later life.

Arrangements must be made by the New South Wales Department of Family and Community Services, or accredited adoption service providers (Anglican Community Services, Australian Families for Children, Barnardos Australia and CatholicCare Adoption Services).

Official client

An applicant becomes an official client of Adoption 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 Principle.

Adoption of adults

A person aged 18 or over who was cared for by the prospective adoptive applicant or authorised carer as their child before turning 18, and who is in a 'fit condition' to give consent, may give sole consent to their own adoption. The Supreme Court must not dispense with the consent of a person who is 18 or over.

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

Victoria

- *Adoption Act 1984*
- *Adoption Regulations 2008*
- *Adoption Amendment Act 2013*
- *Adoption Amendment Act 2015*

Level of court

- Supreme Court of Victoria and County Court of Victoria

Step-parent and other relative adoptions

In all cases when a child is placed with relatives, attempts are made for this to happen 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 made to the Victorian Department of Health and Human Services (DHHS Vic) or an approved non-government adoption agency for an assessment report on the prospective adoptive parent(s). The report is submitted with the application to the County Court or Supreme Court.

Adoptions are arranged by DHHS Vic or an approved non-government agency (listed in the section following).

Local and intercountry adoptions

To apply for an adoption in Victoria, the applicant(s) must be either:

- 2 persons who:
 - are married to each other
 - whose relationship is recognised as a traditional marriage by an Aboriginal community or an Aboriginal group to which they belong
 - are in a registered domestic relationship with each other,
 - are living in a domestic relationship and who have been so living for not less than 2 years before the date on which the order is made
- a single person, if the child faces special circumstances.

The *Adoption Amendment (Adoption by Same-Sex Couples) Act 2015* (Vic) came into effect on 1 September 2016. This Act means that lesbian, gay, bisexual, transgender and intersex (LGBTI) couples can now apply to adopt under the same circumstances as any other couple in Victoria.

Intercountry adoptions are arranged only via DHHS Vic. However, local adoptions may be arranged by DHHS Vic or approved non-government organisations (Anglicare Gippsland, Anglicare St Luke's, Anglicare Western, CatholicCare, Child and Family Services Ballarat, and Connections).

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 Aboriginal and Torres Strait Islander 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 birth 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 DHHS Vic 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 live in Queensland
- at least 1 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)
- any surrogacy arrangement within the meaning of the Queensland Surrogacy Act they might have been part of has ended not less than 6 months earlier
- they do not have custody of a child under 12 months or a child who has been in their custody for less than 12 months (custody, in this context, does not include children for whom the person is an approved carer).

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

Official client

Applicants become 'official clients' after they lodge an expression of interest to adopt a child with Adoption Services.

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.

The DCCSDS must provide counselling and information to all parents involved, and the option of receiving counselling and information about specific issues from an appropriate Indigenous person to the parents of the Indigenous child.

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

1. a member of the child's community or language group
2. another Indigenous person who is compatible with the child's community or language group
3. 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 cultural heritage and with members of his or her 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 for a child aged under 18.

Western Australia

- *Adoption Act 1994*
- *Adoption Regulations 1995*
- *Family Law Act 1975*
- *Family Court Act 1997*

Amendments to the Western Australian Adoption Act, in late 2012, include significant reform of the adoption process to:

- make decision making more independent and transparent
- streamline the assessment process for subsequent adoptions
- approve the placement of a child with a carer for the purposes of adoption
- reintroduce relative adoptions
- enable approved adoptive parents to foster children while awaiting the placement of a child for adoption
- establish equitable application criteria to married and de facto couples
- relax restrictions on placement criteria
- 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

Step-parents may apply to adopt a child under the *Adoptions Act 1994 (WA)* if they have been married to, or in a de facto relationship with, a birth parent of the child for at least 3 years.

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. Before the adoption can be finalised, an adoption plan must be negotiated between the non-custodial birth parent and the adoptive parent, or dispensed with by the court.

Step-parents wishing to adopt their stepchild are required to provide written notification to the Department for Child Protection and Family Support, at least 60 days before their application is filed, of their intention to apply for an adoption order.

After receiving notice of the step-parent's intention to adopt, the department's Chief Executive Officer arranges for a report to outline whether the applicant satisfies the legislative requirements for an adoption order to be made.

Other relative adoptions

Adoption by relatives is now permitted under the Western Australian adoption legislation in certain circumstances. Subject to legislative requirements, relative adoption can occur where the child is or is not in the care of the Chief Executive Officer. The relative must 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

Similar to relative adoption and subject to legislative requirements, carer adoption can occur where the child is or is not in the care of the Chief Executive Officer. For this to occur, approval of the child's placement with the carer must be authorised by the Chief Executive Officer with a view to the child being adopted by the carer.

Carers must have had the full-time care of the child for at least 2 consecutive years before making an application to adopt the child. Birth parental consent is required for the child's adoption, or an order from the Family Court of Western Australia can be made which dispenses with the consent. Unless dispensed with by the Family Court, an adoption plan must be initiated by parties to the adoption as it is a legal requirement.

Where the child is in the care of the Chief Executive Officer under a protection order (time limited), or (until 18) made pursuant to the *Children and Community Services Act 2004*, carer adoption can occur if carers meet the adoption criteria requirements, and the Chief Executive Officer is satisfied that the child's adoption is preferable to a protection order (special guardianship).

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 (for local and known child adoptions; that is, carer, relative, step-parent) is required between birth parents and adopting parents, or an application to the Family Court of Western Australia is made to dispense with the adoption plan before the adoption order is granted by the Family Court.

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 seminar and education workshops. For the purpose of the adoption process, applicants are informed to seek legal advice and representation.

Adoption of Indigenous children

The Western Australian adoption legislation includes provisions for Aboriginal and Torres Strait Islander children, including:

- the placement for adoption principle
- promoting ongoing affiliation of the child's culture
- consulting relevant Indigenous staff and/or an Indigenous agency that has relevant knowledge of the child, and the child's family and community
- placing Indigenous children with Indigenous adoptive parents, where possible, unless the child's birth parents specifically request otherwise.

Adoption of adults

An adult may be adopted by a person who was his or her carer or a step-parent immediately before he or she turns 18. Both the prospective adoptee and the prospective adoptive parent must consent to the adoption, and both birth parents of the prospective adoptee must be notified of the intention to apply for an adoption order. Parties who are required to sign consents must not do so unless the Department for Child Protection and Family Support's Chief Executive Officer has provided them with the information set out in Schedule 1 of the Western Australian Adoption Act.

The Chief Executive Officer is not required to provide a report to the Family Court of Western Australia about adult adoptions (unless requested by the court).

South Australia

- *Adoption Act 1988*
- Adoption Regulations 2004

Level of court

- Youth Court of South Australia

Adoption Act review

In November 2014, the South Australian Government commissioned a review of its Adoption Act. The review's recommendations include that the Act should be amended to: abolish information vetoes; enable same-sex couples to adopt; provide for integrated birth certificates for adopted people; enable adults to be adopted in certain circumstances; and provide for the court to discharge adoption orders in special circumstances. The Adoption (Review) Amendment Bill 2016 was introduced into the South Australian Parliament on 21 September 2016.

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 when there is no other order that will adequately provide for the interests and welfare of the child. The South Australian Department for Child Protection is required to provide counselling for the relevant consents, as well as a report to the court.

Other relative adoptions

Adoptions by relatives other than step-parents are granted only when there is no other order that will adequately provide for the interests and welfare of the child. The Department for Child Protection is required to provide counselling for the relevant consents, as well as a report to the court.

Local and intercountry adoptions

To be eligible, the applicant(s) must be either:

- 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, or
- a single person, in special circumstances.

Adoptions can be arranged only through the Department for Child Protection.

Official client

An applicant becomes an official client when they lodge an expression of interest to adopt a child with the Department for Child Protection.

Both members of a couple must 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, an application may be considered by the Tasmanian Department of Health and Human Services (DHHS Tas). 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 DHHS Tas.

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 DHHS Tas.

Carer adoptions

Adoption may be considered for a child in out-of-home care where it is considered to be in the child's best interests. DHHS Tas has established a policy that provides advice and clarifies the requirements on adoption by foster carers.

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

Local and intercountry adoptions

To be eligible, the applicant(s) must be either:

- 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, or
- a single person, in special circumstances that relate to the welfare and interests of the child.

Adoptions by non-relatives can be arranged by DHHS Tas or a non-government organisation approved by the Tasmanian 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 Australians are recognised, and placement within the Indigenous community is preferred.

Adoption of adults

The Tasmanian Adoption Act provides for adult adoptions when 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 make an order for the adoption of a person who is, or has been, married. It must also be satisfied that there are special circumstances for 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 of the Australian Capital Territory

Step-parent adoptions

Adoption by step-parents can be arranged only through Child and Youth Protection Services.

Other relative adoptions

Adoptions by relatives other than step-parents are only granted 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 Child and Youth Protection Services.

Local and intercountry adoptions

To be eligible, the applicant(s) must be either:

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

Adoptions by non-relatives must be arranged Child and Youth Protection Services.

Official client

A person becomes an official client at the point in which the Assessment and Support Unit of Child and Youth Protection Services receives a completed application form.

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 brought up, 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

- Northern Territory Local Court

Step-parent adoptions

Other arrangements are sought before an adoption order is considered.

Other relative adoptions

Adoptions by relatives other than step-parents are granted only when a guardianship or custody order will not adequately provide for the interests and welfare of the child.

Carer adoptions

Carers may lodge an expression of interest to adopt the child they are caring for in special circumstances. Birth parental consent is required for the child's adoption, unless the Local Court has made an order dispensing with that consent.

Local and intercountry adoptions

Eligibility requirements allow/require the applicant(s) to:

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

All adoptions must be arranged through Territory Families.

Official client

An applicant becomes an official client when they lodge an adoption application.

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 recognises that a variety of relationships might exist between a child's adoptive and birth families, but strongly supports the child's connections with their birth family and culture through openness in adoption attitudes, and actions between birth and adoptive families. An adoption plan, which might include the regular exchange of information and/or contact, is usually provided to the court at the time an adoption order is sought.

For local adoptions in New South Wales, birth parents participate in choosing the adoptive family for their child. The New South Wales Department of Family and Community Services or the agency that arranged the adoption might help mediate ongoing contact after the adoption order, if necessary.

Victoria

The Victorian Adoption Act allows an adoption order to include conditions on information exchange and/or access between the parties. After signing the consent, birth parents are given the opportunity to express their wishes about contact and information exchange, which are considered when placement decisions are made.

The Victorian Adoption Act requires that birth parents' wishes are taken into account in selection of an adoptive family. In practice, 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 might be direct contact between the parties, or an exchange of information.

Queensland

Under 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

Western Australia's *Adoption of Children Act 1896* was repealed in January 1995 when the *Adoption Act 1994* was enacted. Since the inception of Western Australia's *Adoption Act 1994*, all adoptions are considered open.

Before placing children with prospective adoptive parents, an adoption plan must be negotiated between birth parents and prospective adoptive parents. An adoption plan enables 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.

Adoption plans can be modified at a later stage through agreement with, and by approval of, the Family Court of Western Australia. However, before parties can apply to the Family Court to modify the adoption plan, they are required to participate in a mediation process conducted by the Department for Child Protection and Family Support; and the Chief Executive Officer is required to certify that mediation has been completed.

Mediation is not required for parties to adoption plans for an adoption by a step-parent, relative or carer. These parties can apply directly to the Family Court of Western Australia to vary the adoption plan.

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 facilitated and mediated by the South Australian Department for Child Protection.

Tasmania

Under the Tasmanian Adoption Act, open adoptions are possible between parties to the adoption. The adoption forms (Adoption Regulations 2006) allow parties to express wishes about ongoing contact and information exchange at the time of the adoption. These exchanges are generally facilitated by DHHS TAS. 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 considered 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 1994* 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.

B.3 Access to information and veto systems

New South Wales

Access to information

The *Adoption Act 2000* (NSW) 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 persons, adoptive parents, birth parents, and adopted 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 aged under 18, the adopted person requires the consent of their surviving adoptive parents or of the Secretary of the New South Wales Department of Family and Community Services to apply.

Birth parents and non-adopted siblings (where the adopted person is aged under 18) must first apply to the Secretary for an authority to obtain identifying information, and, before an authority can be released, an assessment must be made to determine whether the release of identifying information would pose any risk to the safety, welfare or wellbeing of the adopted person or adoptive parents.

Non-adopted siblings under the age of 18 require the consent of their parents or the Secretary to apply.

Where the adopted person is aged 18 or over, a supply authority, now called an Adoption Information Certificate, is not required; but if a non-adopted sibling is under 18, the sibling must have the consent of their parents or the Secretary. If consent is given by their parents or the Secretary, then an Adoption Information Certificate will be issued.

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 Secretary for an Adoption Information Certificate. Before an Adoption Information Certificate is issued, a check is done to see whether the application is subject to an advance notice or contact veto.

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

For people without other entitlements under the Act to receive identifying information, the legislation enables the Secretary to make adoption information available where it would be reasonable to do so.

The Act enables anyone who had a close personal relationship with a deceased adopted person or deceased birth parent to apply to the Secretary for adoption information. This is referred to as inheriting rights.

Advance Notice Register

Adult adopted persons, birth parents and adoptive parents who are parties to an adoption made before 2010 may 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 up to 3 months to allow the registered person to prepare for its release—for example, a birth mother might 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 persons are able to lodge a contact veto. A veto cannot be lodged for an adoption that occurred after that date. The veto only prevents contact. 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 only be released to an applicant if he/she gives a written legal undertaking to not use the 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 for the same adoption.

Once matched, the parties may then choose to be put in contact with each other and be 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 over 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.

From 1 July 2013, birth parents have a right to identifying information about an adopted child who is now an adult. Birth relatives may obtain non-identifying information from records about the adopted person. Identifying information can be given with the written consent 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. 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

In Victoria, an adoption information register system operates on which people can record their wishes in relation to giving or receiving information and making contact. An authorised agency can facilitate contact between parties to an adoption.

In 2013, the *Adoption Amendment Act 2013* (Vic) introduced a contact veto scheme whereby adult adopted persons may lodge a 'contact statement' specifying whether or how they wished to be contacted by their birth parent. 'Identifying information' vetoes do not exist in Victoria.

In 2015, the *Adoption Amendment Act 2015* (Vic) repealed the contact veto scheme. Contact statements that were lodged before the commencement of the *Adoption Amendment Act 2015*, on 26 August 2016, will continue in force until they expire (5 years from lodgement).

Queensland

Access to information

The *Adoption Act 2009* (Qld) 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 persons 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 about how they would prefer to be contacted, or to express their wish not to be contacted. It is an offence for an adopted person or birth parent affected by an adoption order made before 1 June 1991 to contact 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 persons 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. It is an offence for an adopted person or birth parent affected by an adoption order made before 1 June 1991 to contact 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 it, where it is deemed the release would pose an unacceptable risk of harm.

Western Australia

Access to information

All parties to an adoption may apply for access to either identifying or non-identifying information. Under the *Adoption Act 1994* (WA), all parties can apply for access to birth records and adoption court records (that is, identifying information). Birth parents, adoptive parents and adopted persons may apply for access to information about the adoption from departmental records, at the discretionary authority of the Department for Child Protection and Family Support's Chief Executive Officer. The level of information depends on the information recorded at the time and whether the records still exist.

Since amendments to the adoption legislation, proclaimed in December 2012, birth siblings of adoptees now have the right to access court records and birth registration information about their adoptee sibling, provided that the sibling and adoptee are both aged 18 or over.

Veto system

In Western Australia, a 'message box system' allows anonymous contact between parties to an adoption.

Amendments to the adoption legislation in 2003 prohibit placing any new information vetoes or contact vetoes on adoptions after 1 June 2003, and existing information vetoes ceased to be effective from 1 June 2005.

The adoption plan agreed to by parties to the adoption can, however, include provisions for no contact between parties.

South Australia

Access to information

In South Australia, adopted persons aged 18 or over can access information in their original birth certificate, as well as details about their birth parents (if known), such as name, date of birth, physical attributes and personal interests.

Adopted persons are also entitled to know the names of any biological siblings who were also adopted.

Information may be provided to an adopted person or a birth parent before the adopted person turns 18 years of age in certain circumstances.

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, descendants of an adopted person, and some birth relatives of the adopted person can apply for certain information under some circumstances.

Veto system

Both adopted persons and birth parents can veto the release of identifying information. A specific contact veto is not available. The veto provision is available only for adoptions that occurred before the *Adoption Act 1988* (SA) came into force (August 1989).

Adoptive parents, who adopted a child before 1989, may 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 receiving information about 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 *Adoption Act 1993* (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 Australian Capital Territory 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 1994* did not allow the release of information to any parties to an adoption. The current Act supports a more open process, with identifying information being available unless a veto has been lodged. Indigenous agencies, such as Link-Up, may be 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 for adoptions finalised before 1994. There is no veto provision for adoptions finalised under the current Act.

Appendix C: Countries party to the Hague Convention

Table C1: The 97 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	Georgia ^(a)	1 August 1999
Andorra ^(a)	1 May 1997	Germany	1 March 2002
Armenia ^(a)	1 June 2007	Greece	1 January 2010
Australia	1 December 1998	Guatemala ^(a)	1 March 2003
Austria	1 September 1999	Guinea ^(a)	1 February 2004
Azerbaijan ^(a)	1 October 2004	Haiti	1 April 2014
Belarus	1 November 2003	Hungary	1 August 2005
Belgium	1 September 2005	Iceland ^(a)	1 May 2000
Belize ^(a)	1 April 2006	India	1 October 2003
Bolivia	1 July 2002	Ireland	1 November 2010
Brazil	1 July 1999	Israel	1 June 1999
Bulgaria	1 September 2002	Italy	1 May 2000
Burkina Faso	1 May 1996	Kazakhstan ^(a)	1 November 2010
Burundi ^(a)	1 February 1999	Kenya ^(a)	1 June 2007
Cambodia ^(a)	1 August 2007	Kyrgyzstan ^(a)	1 November 2016
Canada	1 April 1997	Latvia	1 December 2002
Cape Verde ^(a)	1 January 2010	Lesotho ^(d)	1 December 2012
Chile	1 November 1999	Liechtenstein ^(a)	1 May 2009
China ^(b)	1 January 2006	Lithuania ^(a)	1 August 1998
Colombia	1 November 1998	Luxembourg	1 November 2002
Costa Rica	1 February 1996	Macedonia ^(a)	1 April 2009
Côte d'Ivoire ^(a)	1 October 2015	Madagascar	1 September 2004
Croatia	1 April 2014	Mali ^(a)	1 September 2006
Cuba ^(a)	1 June 2007	Malta ^(a)	1 February 2005
Cyprus	1 June 1995	Mauritius ^(a)	1 January 1999
Czech Republic	1 June 2000	Mexico	1 May 1995
Denmark ^(c)	1 November 1997	Moldova ^(a)	1 August 1998
Dominican Republic ^(a)	1 March 2007	Monaco ^(a)	1 October 1999
Ecuador	1 January 1996	Mongolia ^(a)	1 August 2000
El Salvador	1 March 1999	Montenegro ^(a)	1 July 2012
Estonia ^(a)	1 June 2002	Namibia ^(a)	1 January 2016
Finland	1 July 1997	Netherlands	1 October 1998
Fiji	1 August 2012	New Zealand ^(a)	1 January 1999
France	1 October 1998	Norway	1 January 1998

(continued)

Table C1 (continued): The 97 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
Panama	1 January 2000	Spain	1 November 1995
Paraguay ^(a)	1 September 1998	Sri Lanka	1 May 1995
Peru	1 January 1996	Swaziland ^(a)	1 July 2013
Philippines	1 November 1996	Sweden	1 September 1997
Poland	1 October 1995	Switzerland	1 January 2003
Portugal	1 July 2004	Thailand	1 August 2004
Romania	1 May 1995	Togo ^(a)	1 February 2010
Rwanda ^(a)	1 July 2012	Turkey	1 September 2004
San Marino ^(a)	1 February 2005	United Kingdom ^(e)	1 June 2003
Senegal ^(a)	1 December 2011	United States of America	1 April 2008
Serbia ^(a)	1 April 2014	Uruguay	1 April 2004
Seychelles ^(a)	1 October 2008	Venezuela	1 May 1997
Slovakia	1 October 2001	Vietnam	1 February 2012
Slovenia	1 May 2002	Zambia ^(a)	1 October 2015
South Africa ^(a)	1 December 2003		

(a) These countries have acceded to the Hague Convention (see 'Note 1' below).

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

(c) Includes Faroe Islands since 1 April 2007.

(d) As the Federal Republic of Germany raised an objection on 28 February 2013 to Lesotho becoming party to the Hague Convention, the convention will not apply between Germany and Lesotho.

(e) Comprises England, Northern Ireland, Scotland and Wales, as well as, since 1 November 2003, the Isle of Man.

Notes

1. Countries that participated in the 17th 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 17th 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 Hague 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. Korea, Nepal and the Russian Federation have signed, but are yet to ratify, the Hague Convention.

Source: HCCH 2016.

Appendix D: Data Quality Statement

Summary of key issues

- The Australian Institute of Health and Welfare (AIHW) Adoptions Australia national collection contains data on adopted children, their adoptive families and birth parents, 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 some issues for reporting data. Proportional changes from 1 reporting period to the next, and rates based on small numbers must 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 Department of Immigration and Border Protection.
- Overall, the quality and coverage of data in the Adoptions Australia collection are good. Data are only partially available for 3 of the 27 collection tables (1 jurisdiction was unable to provide, or only able to partially provide, data), and data are rarely recorded as unknown in any of the collection tables.

Institutional environment

The AIHW is a major national agency set up in 1987 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, which is governed by a management board, and accountable to the Australian Parliament through the Health 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 variety of topics and issues, including health and welfare expenditure, hospitals, disease and injury, mental health, ageing, homelessness, disability and child protection.

The AIHW also plays a role in developing and maintaining national metadata standards. This work helps improve the quality and consistency of national health and welfare statistics. The AIHW 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, 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 <www.aihw.gov.au>.

Timeliness

The reference period for *Adoptions Australia 2015–16* is from 1 July 2015 to 30 June 2016. The data set includes information related to all intercountry, local and known child adoption orders finalised during this period. It also includes limited information on placements that took place during this period, parties accessing their adoption records during that period, and adoption vetoes.

The state and territory departments responsible for adoption provide data to the AIHW annually, following the end of each financial year. For the 2015–16 collection, the first iteration of data was due to the AIHW 6 weeks after the end of the financial year (by 5 August 2016), and data were finalised for all states and territories by 31 August 2016.

The data for each collection period are released in the AIHW's *Adoptions Australia* annual publication. In 2015–16, concurrent with the annual publication, key findings were released in an online snapshot and, for intercountry, local and known child adoption data, through an interactive web portal.

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

Accessibility

Publications containing *Adoptions Australia* data, including the annual *Adoptions Australia* reports and online snapshot, are available free of charge at <www.aihw.gov.au>.

Requests for unpublished data can be made by contacting the AIHW on (02) 6244 1000 or via email to info@aihw.gov.au. A cost-recovery charge might apply for these requests. Depending on the nature of the request, requests for access to unpublished data might require approval from the state and territory data custodians and/or the AIHW Ethics Committee.

General enquiries about AIHW publications can be made to the Digital and Media Communications Unit via email to info@aihw.gov.au.

Interpretability

Supporting information on relevant legislation and jurisdictional policies are presented at Appendix B. Supporting information is also provided in the footnotes to tables and in the Glossary. The Australian Government Attorney-General's Department (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 provides an overview of the 3 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. 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 on intercountry, local and known child adoption placements, and finalisations that occurred during the reporting period (that is, the 2015–16 reporting period includes data from 1 July 2015 to 30 June 2016). These data allow for analyses of the adopted child, the adoptive families and, for local adoptions, the birth mothers of children with a finalised adoption order.

The collection also allows data on the number of contact/information requests and vetoes lodged by parties to an existing adoption to be looked at. In addition, data from the Department of Immigration and Border Protection on the number of visas issued for expatriate adoption and the countries of origin for these adoptions provide complementary information. When combined, these data give a detailed view of adoption in Australia.

Scope

A description of adoption and information on the sources of data for the collection are 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 2 populations of adopted children:

- **finalisations** – children whose adoption orders were finalised during the reporting period. This includes orders 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 orders, who were placed with their adoptive families (that is, entered the home) during the reporting period.

There can be overlap between these 2 groups. Some children placed for adoption during the current period might not have their adoption finalised until a following year. In addition, some adoption orders finalised in the current period might 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 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.

Attribute disclosure

Due to the small size of the population covered by the collection, the potential for small cells is high. However, the risk of sensitive attribute disclosure is considered low, because:

- most report tables are aggregated to a national level

- there is the possibility that an observed placement is not finalised in the year it occurred (making the population of finalised adoption orders in a report difficult to observe, thus making it difficult to determine whether information about an observed adoptee is present in a particular report)
- most variables are considered of low sensitivity by national, state and territory adoption authorities, and 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 2015–16, of the 27 data tables in the aggregate collection:

- only 3 tables did not contain data for all jurisdictions, as New South Wales was unable to provide data for 2 tables and Western Australia for 1 table
- 3 tables contain data recorded as unknown, but no tables had an unknown category that comprised more than 1% 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 3 editions were published in 1993 and 1994 (as data were collected back to 1990–91), and from 1995 an edition has been released annually. Before this, national adoptions data were collected and reported (briefly) by 2 other organisations: the National Working Party on Welfare Statistics (Australia) (from 1987–88 to 1989–90) and the Australian Bureau of Statistics (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 Adoptions Australia differ from those in previous publications. The categories were changed to better reflect the types of adoptions, 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 can still be mapped to those reported before this period, avoiding a break in trend data. See *Adoptions Australia 2008–09* for further details (AIHW 2010a).

Tables that have been consistently collected from 1990–91 onwards are comparable. In addition, data standards were carried over from the Australian Bureau of Statistics *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 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. 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.

Limitations of existing data

Existing national adoptions data are constrained by several factors, including limits in information recorded on state and territory databases for administrative purposes (for known child adoptions, this is further constrained by the level of involvement the department has in the adoption process), and the capacity of countries of origin to capture relevant information about children and their families.

For intercountry adoptees, it is common for only minimal information about the child's history to be available. A study from the United States of America 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 and India (Welsh et al. 2008).

Several areas that could enrich the understanding of adoption in Australia have no reliable data source.

Parents and families

Adoptive families

While reasonable demographic information on adoptive families is available for intercountry and local adoptions, comparable national data for known child adoptions are not currently available. For step-parent adoptions, this is due to the limited involvement of the state and territory departments responsible for adoption in the process. Information on adoptive families involved in carer adoptions is more likely to be available on other administrative systems, but the availability of these data across all states and territories has not been investigated. With the growing proportion of carer adoptions in the Australian adoption context, this information will become increasingly important to understanding adoption in Australia.

Families of intercountry adoptees

An adopted child's ability to adjust can be affected by the quality of relationships in the adoptive family. Unrealistic or rigid parental expectations, especially around the adopted child's meeting of academic standards or societal norms, can interfere with adjustment (Passmore et al. 2009). In particular, for children with disability or medical conditions, the more informed adoptive parents are, the more capable they are of realistically anticipating problems. This, in turn, has been found to lead to more positive adjustment outcomes (Bornstein 2002).

While research indicates the importance of adoptive parents' access to historical information in improving post-adoption outcomes, the capacity of countries of origin to determine and record information about a child is constrained by economic and social issues, and varies

between countries. The amount of information available is generally inconsistent and of poor quality, making it unsuitable for reporting.

Processing times for local and known child adoptions

Adoption processing time frames in Australia are of significant interest to various stakeholders (from government officials, to prospective adoptive parents). Such data provide insights into the efficiency of contemporary adoption practices, and also speak to the lived experience of prospective parents seeking to form a family via adoption.

Data in this report provide an indication of the time involved in the intercountry adoption process and changes over time. However, data are not currently nationally available for the other types of adoption. For carer adoptions, complexities around when the process should be considered to have started make it difficult to capture nationally comparable data. The availability of data on processing times for local adoptions has not currently been explored. These data could provide useful information on the similarities or differences between types of adoption.

Prospective adoptive parents and children in need of adoption

For intercountry adoption, national data have been reportable since 2011–12 on the number of applicants who became official clients of a state or territory department responsible for adoption in a given year. While useful, because the data only reflect new applicants in a given year, these data cannot currently be used to determine the total pool of prospective adoptive parents who have become official clients and are still awaiting the allocation of a child. The availability of similar data for local adoptions and for carers who have also been authorised as potential adoptive parents has not currently been explored.

Similarly, there is currently no way of determining the current population of children in need of adoption.

Information on both populations would help to inform the national picture of adoption in Australia, by providing insights into the present level of unmet need.

Adoptions of children with special needs

Due to complexities in determining a consistent definition of ‘special needs’, data on the adoption of children with special needs are not currently available in Australia, and this is the subject of a data development project. These data would help to further describe the population of children in need of adoption, inform prospective adoptive parents, and provide an indication of the types of supports required before and after adoption.

‘Special needs’ for the purposes of adoption is not legally defined in Australia, and countries of origin classify cases of special needs differently. However, in addition to mental or physical disabilities, behavioural problems and/or emotional disorders, the term is also often applied (in the context of adoption) to a broad range of conditions 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, might be considered as having special needs due to the added difficulty in finding a suitable family (Tan et al. 2007). For example, for local adoptions, Australian Central Authorities might 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 anyone. 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).

Adoption services and supports

Research suggests that access to adequate services and supports for both the adopted child and the adoptive family is essential for positive outcomes, especially for intercountry and special needs adoptions. 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).

In 2009, the Intercountry Adoption Harmonisation Working Group announced the completion of the Nationally Consistent Core Curriculum. This is a framework consisting of 9 compulsory education and training units that help prospective adoptive parents understand and develop realistic expectations about the adoption process (AGD 2012). Such initiatives help make pre-adoption services more widely available across Australia.

Previous studies have highlighted some post-adoption support services needed by adoptive parents. These are particularly important for adoptive families of children with special needs. These services 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).

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

Post-adoption support services provided by both government and non-government agencies are becoming increasingly available in all states and territories. The Australian and state and territory governments have agreed to work to improve the availability and accessibility of these services under the Commonwealth–State Agreement for the Continued Operation of Australia’s Intercountry Adoption Program (Banks 2009).

To understand adoption in Australia, it is important to know how adoptees and adoptive families fare after an adoption is finalised. However, once an adoption is finalised, it is difficult to identify an adoptee in administrative data, as they are legally no different from a child still living with their non-adoptive parent(s), and there is no requirement for adoptees to report their adoptive status. This makes gathering data on access to supports by adoptees and their adoptive families difficult. For the same reasons, the long-term outcomes of adoption (such as rates of disruption or levels of educational attainment) cannot be explored.

Addressing information gaps

The AIHW, with the support of the state and territory departments responsible for adoption and other national agencies, such as the AGD and the Australian Government Department of Social Services, is continually working to improve the quality and comparability of national data. Where possible, the AIHW also seeks to work with its partners to expand national collections to improve coverage and make the collections more responsive to the needs of stakeholders.

Glossary

Note that terms in bold type in the definitions are themselves glossary items.

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, this is 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, in the case of a Hague adoption, 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 might 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 2 categories of arranging bodies: **government arranging body** and **non-government arranging body**.

carer (known child adoption): Foster parent or other non-relative who has been caring for the child and has 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 with specific obligations under 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 usual country of residence of the child being adopted. This is generally the country of birth of a child.

de facto relationship (adoptive parents): An arrangement where 2 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: A term used to describe an adoption process that ends after the child is placed in an adoptive home and before the adoption is legally finalised. This results in the child's return to (or entry into) foster care or placement with new adoptive parents.

dissolution: A term used to describe an adoption process in which the legal relationship between the adoptive parents and adoptive child is severed, either voluntarily or involuntarily, after the adoption is legally finalised. This results in the child's return to (or entry into) foster 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: An adoption order that was completed 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 department 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 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, about 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 necessarily bestow any responsibility for the long-term welfare of the child. This may vary with individual jurisdiction's guardianship and custody orders.

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 parent and the child is not severed. The child enters Australia under a guardianship order, and the full adoption order is made in Australia or the child's country of origin.

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 Hague Convention entered into force in that country (see Appendix C for a list of relevant countries).

Hague Convention (intercountry adoption): A convention – specifically, the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption – that establishes standards and procedures for adoptions between countries. The Hague 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 adoption** or **non-Hague adoption**.

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 may legally be placed for adoption, but who generally have had no previous contact with the adoptive parent(s). There are 2 categories of intercountry adoptions: **Hague adoption** and **non-Hague adoption**. There are 2 arrangements for intercountry adoptions: **full adoption order in child's country of origin**, and **guardianship order in child's country of origin**.

known child adoption: An adoption 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**.

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 1 of the following categories: **registered marriage**, **de facto relationship** and **single**.

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 might 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) parent(s), 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. An application may 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 with their adoptive family (that is, the child enters the home) during the reporting period, regardless of the status of their adoption order.

registered marriage (adoptive parents): The status of 2 adoptive parents who are legally married to each other and living together at the time the child is placed with them.

relative(s) (known adoption): Any relative(s) of the child being adopted, as defined by the *Family Law Act 1975*, 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; might include widowed parents.

special needs adoption: An adoption of a child or young person who:

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

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

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Related publications

This report, *Adoptions Australia 2015–16*, is part of an annual series. Earlier editions can be downloaded free from the Australian Institute of Health and Welfare (AIHW) website. The website also includes information on ordering printed copies; <www.aihw.gov.au/adoptions-publications>.

Additionally, a snapshot of the main findings for the current year, and access to the new adoptions web portal that can be found at <www.aihw.gov.au/adoptions>.

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

- AIHW 2016. Child protection Australia 2014–15. Child welfare series no. 63. Cat. no. CWS 57. Canberra: AIHW.
- AIHW 2016. The views of children and young people in out-of-home care: overview of indicator results from a pilot national survey 2015. AIHW bulletin no. 132. Cat. no. AUS 197. Canberra: AIHW.
- AIHW 2016. Young people in child protection and under youth justice supervision 2013–14. Data linkage series no. 21. Cat. no. CSI 22. Canberra: AIHW.
- AIHW 2015. Australia's welfare 2015. Australia's welfare no. 12. Cat. no. AUS 189. Canberra: AIHW.
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Adoptions Australia 2015–16, the 26th report in the series, presents the latest data on adoptions of Australian children and children from overseas, and highlights important trends in the number of adoptions back to 1991–92. Data cover characteristics of adopted children, their parents and adoptive families, as well as applications and vetoes for contact and information exchange, and intercountry processing times. During 2015–16, there were 278 adoptions finalised across Australia, the lowest on record over the period reported: 100% of local adoptees were aged under 5, compared with 71% of intercountry adoptees and 9% of known child adoptees.