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Abbreviations

AIHW	Australian Institute of Health and Welfare
ABS	Australian Bureau of Statistics
ACA	Australian Central Authority
AGD	Australian Government Attorney-General's Department
DOC	Queensland Department of Communities
DFC	South Australian Department for Families and Communities
DHS	Victorian Department of Human Services
DHHS	Tasmanian Department of Health and Human Services
DIAC	Department of Immigration and Citizenship
FAO	Australian Government Family Assistance Office
NCCC	Nationally Consistent Core Curriculum
OCYFS	ACT Office for Children, Youth and Family Support

Symbols

—	nil or rounded to zero
..	not applicable
n.a.	not available
n.p.	not publishable because of small numbers, confidentiality or other concerns about the quality of the data

Summary

In Australia, adoption is one of a range of options used to provide permanent care for children who are unable to live with their birth families. This report presents the latest data on adoptions by Australians of Australian children and children from overseas in 2010–11. It also highlights important national trends in adoptions. Key findings are outlined below.

The number of annual adoptions continues to fall

The 384 finalised adoptions in 2010–11 was the lowest annual number on record. It was a 7% decline from the previous year and a 66% decline from the 1,142 adoptions in 1990–91. The long-term fall can be attributed to a fall in the number of Australian children adopted, reflecting the decline in the number of children considered to be in need of adoption and legally able to be adopted.

In contrast, intercountry adoption numbers have fluctuated over the last two decades, and have been the most common type of adoption since 1999–00. However, the 215 such adoptions in 2010–11 continued a six-year pattern of decline.

The majority of intercountry adoptees are from the Asian region

In 2010–11, four-fifths (80%) of children adopted from overseas were from Asian countries. The three most common countries of origin in Asia were China (24%), the Philippines (17%), and Taiwan (12%).

Ethiopia was the most common country of origin outside the Asian region (19%).

For the first time in more than two decades, South Korea was not among the four most common countries of origin—a consequence of South Korea giving preference to local options and deliberately reducing the number of exit permits for children approved for intercountry adoption.

The proportion of infants adopted from overseas has declined

Although nearly all children adopted from overseas in 2010–11 were under 5 years of age (87%), the proportion of infants under 12 months has declined—from 47% of all intercountry adoptions in 2005–06 to 29% in 2010–11.

In local and intercountry adoptions, parents 40 and over, and those with no other children were most likely to adopt

In 2010–11, just over half (52%) of the children in local adoptions had adoptive parents aged 40 and over. For children in intercountry adoptions, this proportion increased to about two-thirds (68%).

In 2010–11, more than half of the children in local and intercountry adoptions were adopted into families with no other children (61% and 55%, respectively).

‘Open’ adoption continued to be the main arrangement in local adoptions

About four-fifths (84%) of local adoptions in 2010–11 could be considered ‘open’—that is, all parties were happy to allow a degree of contact or information exchange to occur between families. ‘Open’ adoption agreements have been the most common arrangement in the past 10 years for local adoptions.

1 Introduction

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

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

The data in this report were collected from each of the eight state and territory departments responsible for adoption, and collated and analysed by the Australian Institute of Health and Welfare (AIHW). The data were extracted from the administrative systems of the state and territory departments according to definitions and technical specifications agreed to by those departments and the AIHW. Definitions of terms used in the data collection are provided in the Glossary. The Australian Government Department of Immigration and Citizenship (DIAC) also provided a small amount of additional data on the number of adoption visas issued during 2010–11.

Due to the nature of this data collection, some analyses contain small counts. These data have been cleared for release by the state and territory departments responsible for adoption and in a number of instances reflect data that are publically available elsewhere at the same level of granularity.

1.1 Report structure

This report has five chapters:

- Chapter 2 provides an overview of the adoption process in Australia.
- Chapter 3 presents detailed data on categories of adoption in 2010–11, including the characteristics of adopted children and their adoptive families. Data on the number of requests made for information about an adoption and the number of contact and information vetoes lodged during the same period are also presented.
- Chapter 4 discusses key patterns and trends in Australian adoptions.
- Chapter 5 explores similarities and differences in Australian adoption trends and those of selected overseas countries.
- More detailed statistical tables are in Appendix A, each state and territory's adoptions legislation are summarised in Appendix B, and the countries that are party to the Hague Convention are in Appendix C.

2 Adoptions in Australia

2.1 Categories of adoption

The categories of adoption used in this publication are:

- **Intercountry adoptions**—adoptions of children from countries other than Australia who are legally able to be placed for adoption (see section 2.2), but who generally have had no previous contact or relationship with the adoptive parents.
- **Local adoptions**—adoptions of children who were born in Australia or who were permanent residents of 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 parents.
- **‘Known’ child adoptions**—adoptions of children who are Australian residents, who have a pre-existing relationship with the adoptive parent(s) and who are generally not able to be adopted by anyone other than the adoptive parent(s). ‘Known’ child adoptions include adoptions by step-parents, other relatives and carers (see Glossary for definitions). Intercountry ‘known’ child adoptions are not included in this publication.

From the 1998–99 report, the categories of adoption used in the *Adoptions Australia* publications differ from those used in previous publications. The categories were changed to better reflect the types of adoptions that occur, and to bring the terminology more in line with that used by state and territory departments responsible for adoption. Refer to the *Adoptions Australia 2008–09* report for further details (AIHW 2010a).

2.2 Adoption legislation and processes

A child is legally able to be adopted if all the necessary consents to the child's adoption have been obtained or dispensed with (dispensation refers to the legal process where a court declares that the consent of a parent is not required for an adoption order to be granted). People wishing to adopt a child must satisfy the government department or agency concerned that they will be suitable parents. Factors that may be considered in the assessment of the suitability of potential parents include their parenting capacity, age, health, reasons for wanting to adopt, marital status and the stability of their relationship. There are some variations between jurisdictions regarding eligibility requirements to adopt a child—these are in Appendix B.1. Variations also exist in the eligibility requirements set by partner countries for intercountry adoptions (see AGD 2011b).

Intercountry adoptions

Legislation and responsibilities

The adoption process for intercountry children is strictly controlled:

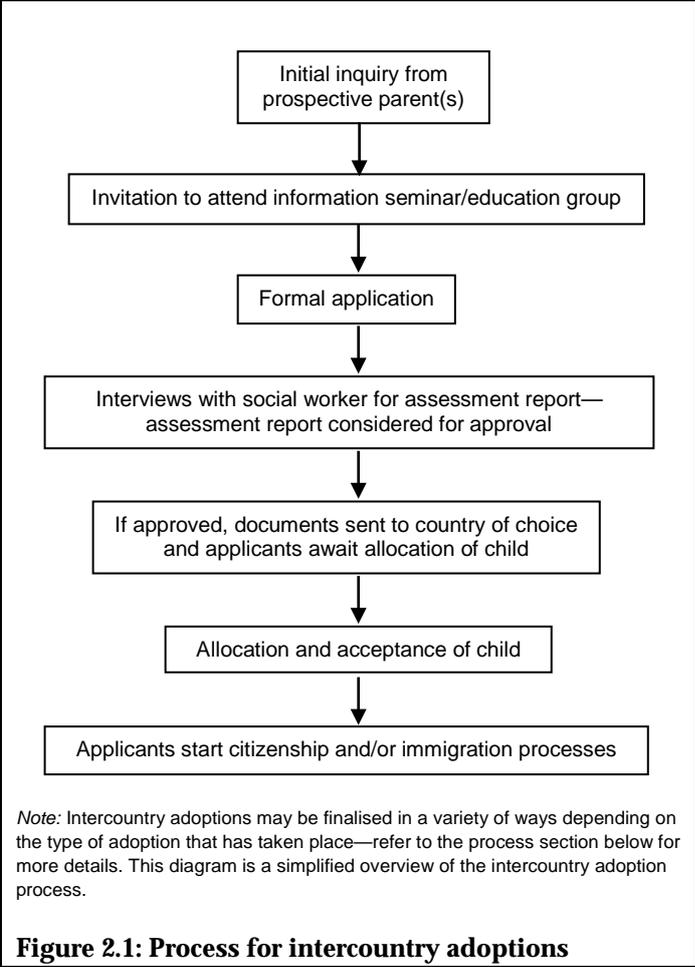
- by each state and territory under the relevant state-level adoption legislation
- by the Australian Government under the
 - *Immigration (Guardianship of Children) Act 1946*
 - *Migration Act 1958*
 - *Family Law Act 1975*
 - *Migration Regulations 1994*
 - *Family Law (Hague Convention on Intercountry Adoption) Regulations 1998*
 - *Family Law (Bilateral Arrangements—Intercountry Adoption) Regulations 1998*
 - *Australian Citizenship Act 2007*
- in accordance with the principles of the *Hague Convention on Protection of Children and Co-operation in respect of Intercountry Adoption* (the Hague Convention) and the *United Nations Convention on the Rights of the Child*.

In December 1998, the Hague Convention came into force in Australia. The Convention establishes uniform standards and procedures between countries, including legally binding standards and safeguards, a system of supervision to ensure that these are observed, and channels of communication between authorities in countries of origin and countries of destination for children being adopted.

The Hague Convention protects children and their families against the risks of illegal, irregular, premature or ill-prepared adoptions overseas. It does this by establishing principles for countries to follow that focus on the need for intercountry adoptions to occur only where these are in the best interests of the child. It also focuses on the need for countries to work to prevent the abduction, sale or trafficking of children (AGD 2011a). A list of countries currently party to the Hague Convention is in Appendix C.

The Australian Government Attorney-General's Department (AGD)—the Australian Central Authority (ACA) for the Hague Convention in Australia—is responsible for ensuring that Australia fulfils its obligations under the Convention. In accordance with its responsibilities for intercountry adoption, each state and territory has also established a Central Authority under the Convention.

The AGD has primary responsibility for the management and establishment of Australia’s intercountry adoption arrangements. The AGD works closely with state and territory governments to ensure that existing programs are effectively and efficiently maintained, and that opportunities for new programs are identified and explored in a timely and efficient manner. The state and territory governments are responsible for processing adoption applications, and assessing and approving prospective adoptive parents. Although each state and territory has its own legislation relating to intercountry adoption, the general process is similar across the jurisdictions (Figure 2.1). The AGD and the states and territories work cooperatively to ensure that all adoption programs within Australia meet the standards of the Hague Convention regardless of whether country partners are signatories to the Convention.



Australia’s intercountry adoption programs

Australia currently has intercountry adoption programs with 14 countries: Bolivia, Chile, China, Colombia, Ethiopia, Fiji, Hong Kong, India, Lithuania, the Philippines, South Korea, Sri Lanka, Taiwan and Thailand. Not all of these are signatories to the Hague Convention. Bilateral arrangements exist with some countries that are not party to the Hague Convention such as Ethiopia; however, programs are only established with countries where it can be satisfied that the principles of the Convention are being met, regardless of whether the

country is a signatory. Australia is investigating programs with several other countries (AGD 2011b).

All Australia's intercountry adoption programs are reviewed periodically in accordance with the Intercountry Adoption Strategic Plan 2009 to ensure that they continue to comply with the principles of the Convention (AGD 2009a).

Individuals may request to adopt children from countries with which Australia does not have an existing intercountry adoption program. These adoptions, referred to as 'ad hoc requests', are considered case by case. The relevant state or territory must have accepted an ad hoc request before prospective adoptive parents are entitled to make a formal application for adoption and be assessed to determine their suitability to adopt. To protect the interests of adoptive children and prospective adoptive parents, ad hoc requests will not be accepted unless particular criteria are met and exceptional circumstances demonstrated (AGD 2009a). If the request is accepted, applicants will be subject to the normal intercountry adoption process (and waiting times) applicable in their relevant state or territory.

Private adoption arrangements are not supported by state and territory authorities. Adoptions to Australia must either be approved by a state or territory authority or meet requirements for expatriate adoption (AGD 2011c). Refer to the 'Expatriate adoptions' section in Chapter 3 for more information.

Process

The general process for intercountry adoptions is outlined in Figure 2.1 (see above).

In addition to the requirements set by Australian adoption authorities, countries of origin also have eligibility requirements for adoptive parents. These include, but are not limited to: age of parents, marital status, current family structure and the family's origin. Fees associated with intercountry adoption vary depending on the country of origin of the child. These fees are subject to change and are affected by a range of factors. Details on eligibility, fees and programs that are currently accepting applications are on the AGD website (AGD 2011b).

Waiting periods between the approval of an application and the allocation of a child are influenced by a number of factors, including the number and characteristics of children in need of intercountry adoption, the number of applications received and the resources of the overseas authority—factors that are outside the control of Australian authorities (AGD 2011b). Further, an increasing number of overseas countries, in accordance with the Hague Convention, are trying to enable their children to remain within their country and this has reduced the need for intercountry adoption placements.

In addition, the decision to suspend an intercountry adoption program by a country of origin or a country of destination is likely to affect waiting periods. A program may be suspended for a number of reasons, including a lack of capacity within the country of origin to process new applications, concerns about how the program is being operated, suspicions of child trafficking, and possible non-compliance with the Hague Convention. The suspension of a program can be either temporary or indefinite (AGD 2011b).

The length of waiting times for intercountry adoption varies from country to country and is generally increasing (AGD 2011d). For a number of countries, families can often wait 3 to 5 years from the time their application is accepted by the overseas country to when they receive an allocation of a child.

An intercountry adoption may be finalised in a variety of ways. A full adoption order can be made in the child's country of origin—this order is automatically recognised in Australia if the country has issued an adoption compliance certificate and is either a Hague signatory or has a bilateral agreement with Australia and is a prescribed overseas jurisdiction (see Glossary for definitions). Alternatively, some children enter Australia under the care of a prospective adoptive parent intending to adopt once the period of post-placement supervision has passed. In this case, the federal Minister for Immigration and Citizenship acquires guardianship of the child when the child arrives in Australia. This guardianship is delegated to the relevant state or territory minister or departmental officers. The Minister's delegated guardianship remains valid until the child turns 18 years of age, leaves Australia permanently, becomes an Australian citizen or, in most cases, when an order is made under section 11 of the *Immigration (Guardianship of Children) Act 1946* which usually occurs following the finalisation of the adoption.

Local adoptions

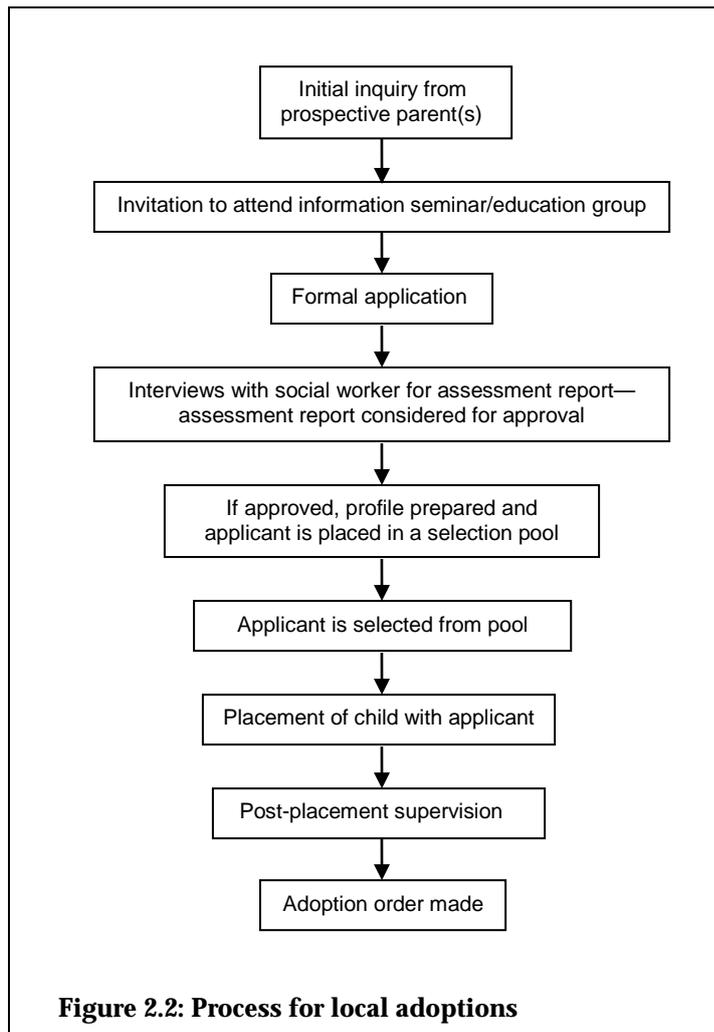
Legislation and responsibilities

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

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

Process

Figure 2.2 provides an overview of the process involved in the placement of local children with prospective adoptive parent(s), although the precise order of the steps may vary slightly between jurisdictions.



‘Known’ child adoptions

Legislation and responsibilities

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

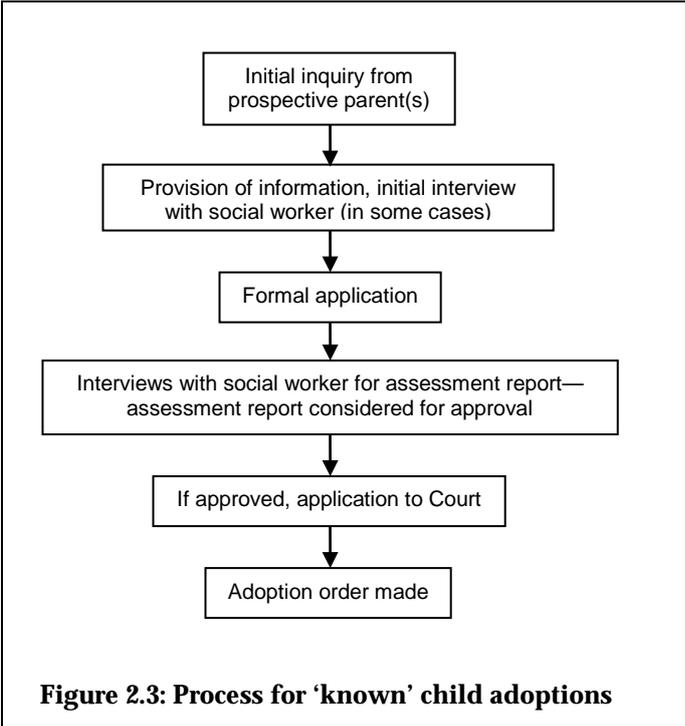
The majority of ‘known’ child adoptions are by step-parents wishing to incorporate children into the newly formed family. In some circumstances the adoption may be finalised after the adoptee is legally considered an adult. The aim of step-parent adoption is to provide the child with a clear legal position and status within the new family arrangement. Adoption by relatives other than step-parents is less common. This is because most states and territories have policies that promote the use of parental responsibility orders rather than adoption (for example, the use of permanent care and guardianship/custody orders) in instances where a child is to be permanently cared for by another relative. Adoptions by relatives are generally discouraged owing to the confusion and distortion that may occur to biological relationships. For example, if a child were adopted by their grandmother, then the birth parent would legally become the child’s sibling.

In Western Australia, adoptions by relatives other than step-parents are no longer permitted under the 2003 amendments made to the *Adoption Act 1994*, and adoptions by carers can

occur only when the child has been in their care for at least 3 years. In all other states and territories, legislative provisions allow for adoptions by carers, or relatives other than step-parents, only in exceptional circumstances—that is, when a parental responsibility order would not adequately provide for the welfare of the child (Appendix B.1).

Process

Each state and territory has its own process for the adoption of ‘known’ children by prospective parent(s). Figure 2.3 provides a broad outline of this process, although the precise order of the steps may vary slightly between jurisdictions.



2.3 Special needs children

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

For example, for local and intercountry adoptions Australian Central Authorities may consider children aged over 4 years as having special needs as they are likely to have received care in an institution for a longer period than younger adoptees and have had fewer opportunities to develop close relationships with any one person. Further, many of these children have had a history of deprivation, abandonment and trauma, which can leave them with developmental delays and emotional vulnerabilities, requiring long-term therapeutic and intensive parenting to promote secure attachments (HCCH 2005; Roberson 2006; Spark et al. 2008).

Children who are part of a sibling group that is to be placed with the same adoptive family may also be considered to comprise a special needs adoption due to the added difficulty in finding a suitable family (Tan et al. 2007). Further, due to the additional barriers to adjustment faced by intercountry adoptees, such as complications arising from time in institutional care, there are strong grounds for considering all intercountry adoptions as special needs adoptions (DFC 2010; Spark et al. 2008).

Countries of origin classify cases of special needs differently and the types of medical conditions are diverse. For example, the China Online Special Needs Program includes children who have a range of complex health and medical conditions, such as albinism, club foot and hepatitis B, with many children having multiple conditions. In comparison, in the Philippines the special needs program includes: children aged 9 years and over; sibling groups of three or more children aged 8 and over; children with multiple medical needs, including neurological problems, severe hearing or speech impairments, congenital heart problems, global developmental delays or seizure disorders and intellectual disabilities; and complex social backgrounds including exposure to physical and sexual abuse (AGD 2011b).

Due to the difficulty in finding suitable carers for children with special needs, countries of origin are increasingly looking overseas to try to find families for these children. Consequently, special needs children represent a growing proportion of the children in need of intercountry adoption (AGD 2011d; Selman 2006). However, information on the number of children with special needs who have been adopted in Australia is difficult to discern due to the inconsistent defining of the term and the limited data available in reports from countries of origin. Available data show that between 2008 and 2009, 7 of the 112 children adopted by Australians from mainland China were considered to have special needs as defined by the China Online Special Needs Program, and that all 112 adopted children had been in institutional care before adoption (HCCH 2011a). In the Hong Kong special administrative region of China and in Lithuania, all of the children adopted between 2008 and 2009 were listed as special needs placements (HCCH 2011a). In addition, annual data on adoptions of older children and children adopted as part of a sibling group are available in this report (see tables A3, A12 and A13).

There is a need for appropriate preparation and comprehensive assessment of prospective adoptive parents considering adopting a child with special needs. Jurisdictions hold education workshops for prospective adoptive parents considering adopting an

overseas-born child with special needs. These workshops aim to provide prospective parents with information on the range of special needs, the core issues involved in special needs adoption for all parties, the assessment process and opportunities available to adopt a child with special needs (DFC 2010).

To ensure a successful adoption where a child has special needs, adoptive families need to demonstrate particular skills and qualities. These include: an understanding of the child's medical, developmental and attachment issues; a commitment to therapeutic parenting and empathy for the child; flexibility and patience; access to support systems and resources; and time for the child (DFC 2010). In Australia, adoption of special needs children may be open to single people where the single applicant has special skills needed to parent the child (such as expertise in working with children with a disability, or nursing).

2.4 Post adoption adjustment and support

Adjustment after adoption

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

Adopted children, especially those adopted from overseas, are likely to have been in institutional care for a portion of their lives (Sparks et al. 2008). For both local and intercountry adoptions, the quality of institutional care and the length of time spent in this kind of care can affect a child's adjustment after adoption and the likelihood that they will experience developmental delays (van IJzendoorn & Juffer 2006; Spark et al. 2008). Children who are adopted from overseas are likely to have received only a basic level of care during their stay in an institution (HRSCFHS 2005; Roberson 2006; Spark et al. 2008). As a result, these children are at increased risk of health problems such as infectious diseases, toxic exposures, nutritional deficiencies, growth and developmental delays, and emotional disorders. These children may also show delays in nonverbal social communication, developmental behaviours and adaptive behaviours (Meese 2005; Finn 2006).

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

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

Adoptive parents may experience a range of emotions in the post-adoptive period including joy, depression, anxiety and negative or ambivalent feelings. Parents may also suffer from

stress or emotional problems if their adopted child displays difficult or challenging behaviours or has unexpected medical problems (Levy & Orlans 2003; Miller 2005). In contrast, parents who adopt children with developmental or physical disabilities or chronic medical conditions and are fully informed about their child's condition are able to more realistically anticipate problems and have been found to have more positive adjustment outcomes (Bornstein 2002). Further, the openness of adoptive parents to discussing adoption-related issues with an adopted child in an age-appropriate manner can be beneficial for the child's adjustment (Brodzinsky 2006; Passmore, Feeney & Jordan 2009).

Placement disruptions

Although most domestic and intercountry adoptions are successful, a minority end in disruption or dissolution. The term disruption is used to describe an adoption process that ends after the child is placed in an adoptive home but before the adoption is legally finalised, resulting in the child's return to (or entry into) foster care or placement with new adoptive parents. Dissolution is used to describe an adoption that ends after it is legally finalised, resulting in the child's return to (or entry into) foster care or placement with new adoptive parents. Incidences of adoption dissolution are difficult to measure because after the adoption is legally finalised adoptees are no longer a readily identifiable group within the general population.

Available information on disruptions indicates that they are more common in adoptions involving special needs children (Spark et al. 2008). Research shows the children most at risk of unsuccessful outcomes include: children adopted at an older age; children with a history of physical abuse, deprivation and neglect; children with a history of sexual abuse; and children with emotional and behavioural problems (DFC 2010; Roberson 2006). In addition, adoptions of boys are also more likely to end in disruption than adoptions of girls (Roberson 2006). In both domestic and intercountry adoptions, attachment issues are considered a key contributor to the disruption of an adoption. If a sense of attachment and/or an improvement in the child's behaviour is not detected by parents within 12 to 15 months, there is an increased risk of the adoption process ending (Clark, Thigpen & Moeller Yates 2006).

There is a paucity of current information on the rate of adoption disruption in Australia. International studies have reported a wide range of disruption rates, from less than 1% to more than 50% (Rosenwald 2003). However, findings of high rates of disruption are usually based on studies that look at particular populations of adoptees, such as children over the age of 12 years at the time of adoption, and are not representative of overall disruption rates. Research from the United States of America (USA) suggests that incidence of disruption can reach 10–16% for children adopted over the age of 3 (Barth & Millar 2000). Research into intercountry adoption disruptions in one of Australia's jurisdictions estimated that there were 12 disruptions (4 boys and 8 girls) between 1973 and 2003 within the jurisdiction—an overall disruption rate of 1.9%, or 1 in 50 (Rosenwald 2003).

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

Post-adoption support

Evidence suggests that good outcomes in adoptions, especially intercountry and special needs adoptions, are associated with access to services and support for both the adopted child and the adoptive family. 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 Harmonization Working Group announced the completion of the Nationally Consistent Core Curriculum (NCCC). The NCCC is a framework consisting of nine compulsory education and training units that help prospective adoptive parents understand and develop realistic expectations about the adoption process (AGD 2011e).

Initiatives such as the NCCC help make pre-adoption services widely available across Australia. In contrast, there remains a dearth of post-adoption support services (Banks 2009). However, all state and territory central authorities have agreed to provide such services under the Commonwealth-State Agreement for the Continued Operation of Australia's Intercountry Adoption Program, and there is ongoing work to improve the availability and accessibility of these services (Banks 2009).

According to Barth and Miller (2000), the range of post-adoption services that should be available to adoptive families can be grouped into three basic types:

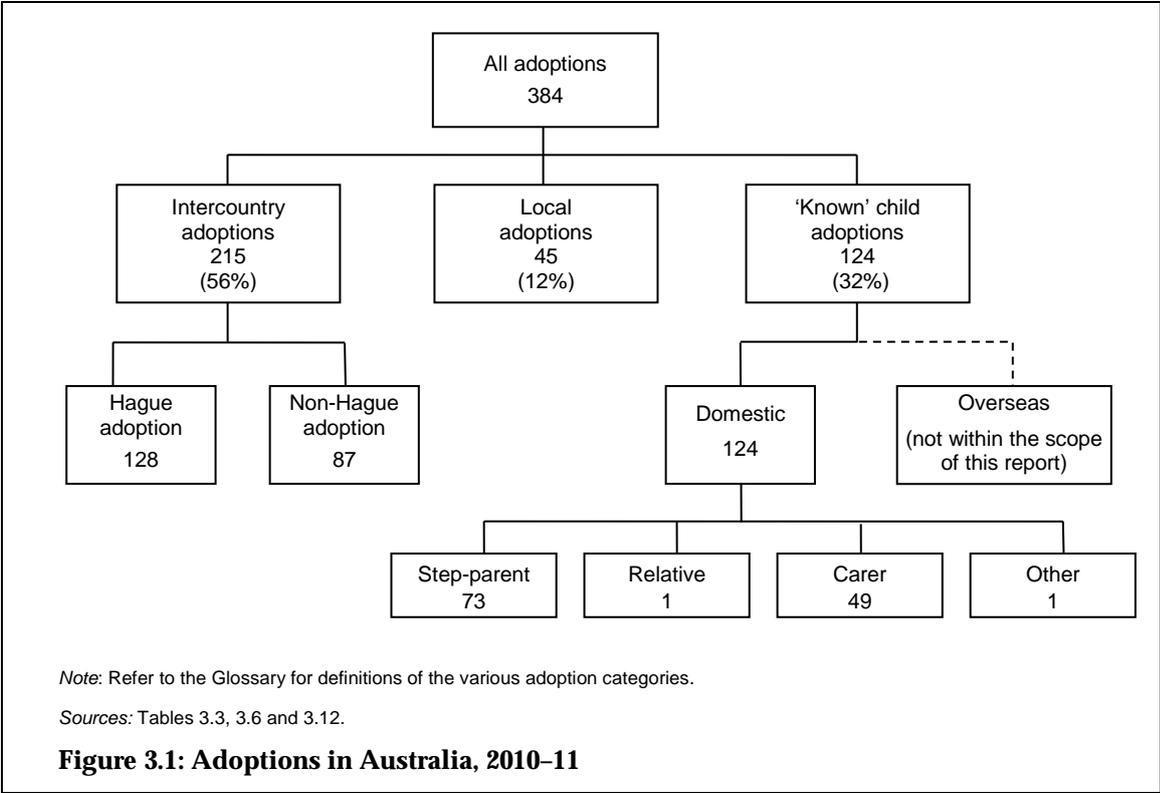
1. Education and informational services that aim to provide parents with information that can help them better understand their adopted child, plan for the financial costs involved in adoption, and seek out other available services.
2. Clinical services offered by trained professionals, including counselling services.
3. Material services such as the provision of subsidies, medical care, and respite care.

3 Detailed analysis of adoptions in Australia in 2010–11

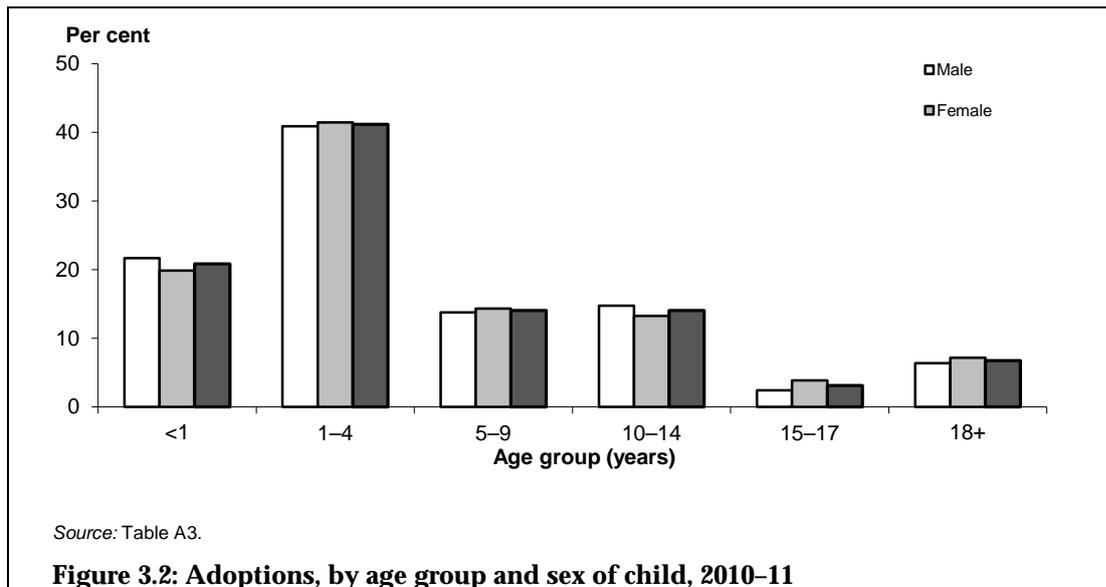
This chapter provides an in-depth analysis of intercountry, local and ‘known’ adoptions in Australia in 2010–11.

3.1 Adoptions in 2010–11

In 2010–11, there were 384 finalised adoptions of children in Australia—a decrease of 28 adoptions or 7% from the previous year (Table A1). Of the 384 adoptions in 2010–11, 215 (56%) were intercountry adoptions, 45 (12%) local adoptions and 124 (32%) ‘known’ child adoptions (Figure 3.1).



In 2010–11, almost two-thirds (238 or 62%) of all adopted children were aged under 5 years. Just over one-fifth of all adoptions were of infants under 12 months (21%) and slightly more males than females were adopted (53% compared with 47%). Similar proportions of males and females were adopted across all age groups (Figure 3.2). However, within the 1 to 4 year age group, a higher proportion of males were aged 2 to 4 (20% compared with 14%) and a higher proportion of females aged 1 (27% compared with 21%) (Table A3).



In 2010-11, there were 1.3 adoptions for every 1,000 births (Table 3.1). The number of adoptions and the ratio of adoptions to births varied across the states and territories. The highest number of adoptions was in New South Wales at 165, followed by Victoria with 86. The highest ratio of adoptions to births was in the ACT (2.3 per 1,000) and the lowest in the Northern Territory (0.3 per 1,000).

Table 3.1: Number of adoptions and ratio to births, by state and territory, 2010-11

State/territory	Number of adoptions	Adoptions per 1,000 births ^(a)
New South Wales	165	1.8
Victoria	86	1.2
Queensland ^(b)	40	0.6
Western Australia	37	1.9
South Australia	30	1.0
Tasmania	14	2.1
Australian Capital Territory	11	2.3
Northern Territory	1	0.3
Australia	384	1.3

(a) ABS registered births in each state/territory at 31 December 2009 was used to calculate this ratio. Note that these ratios are indicative because not all adoptions are of infants.

(b) Interim adoption orders made by the Children Court in Queensland are not captured in this data set. Under the Adoption Act 2009 which commenced 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 impacted on final adoption orders made in Queensland in the 2010-11 period.

Source: AIHW Adoptions Australia data collection and ABS Births Australia 2009.

Of the Australian population aged 0–17, 7 per 100,000 were the subject of a finalised adoption in 2010–11. This rate varied across age groups from 27 per 100,000 of those aged under 12 months to 14 per 100,000 for those aged 1 to 4 years and just 1 per 100,000 for those aged 15–17 (Table 3.2).

Table 3.2: Number and rate of adoptions of children aged 0–17, by age group, 2010–11

Age group (years)	Number of adoptions	Adoptions per 100,000 ^(a)
<1	80	27.0
1–4	158	13.5
5–9	54	3.9
10–14	54	3.8
15–17	12	1.4
0–17	358	7.0
18+	26	<i>n.a.</i>

(a) Rate based on ABS estimated resident population aged 0–17 at 31 December 2010.

Source: AIHW Adoptions Australia data collection and AIHW analysis of ABS 2010 unpublished estimates.

For local and intercountry adoptions, children are placed with their adoptive families before their adoption order is finalised (see Figures 2.1 and 2.2). There were 210 such children during 2010–11 (Table A2). Some children placed for adoption during this period may not have their adoption finalised until the following year. In addition, some adoption orders finalised in 2010–11 may relate to children who were placed in the previous year.

3.2 Intercountry adoptions

There were 215 intercountry adoptions finalised in 2010–11, representing 56% of all adoptions (Table 3.3; Figure 3.1). The number of intercountry adoptions was fewer than in the previous year, decreasing by 7 adoptions, or 3%, from 2009–10 (Table A9).

Country of origin

- In 2010–11, 80% of intercountry adoptions were of children from Asia, 19% were from Africa, and less than 2% from South America or Europe (Table A8).
- The most common countries of origin were China (51 or 24%), Ethiopia (40 or 19%), the Philippines (37 adoptions or 17%), and Taiwan (26 or 12%) (Figure 3.3).
- Of the total number of intercountry children adopted in the past decade, 25% have come from China, 22% from South Korea and 14% from Ethiopia (Table A10).
- In 2010–11, 60% of intercountry adoptions were Hague adoptions, an increase from 56% in 2009–10 (refer to the Glossary for definitions of intercountry child adoption categories) (Table 3.3; AIHW 2010b).
- Since 2009–10 the number of adoptions from both China and Ethiopia increased (from 32 to 51 and 33 to 40, respectively). In contrast, the number of adoptions from both South Korea and the Philippines decreased (from 30 to 19 and 49 to 37, respectively). Refer to ‘Adoptions of overseas children’ in Section 4.1 for a discussion of trends in intercountry adoption.

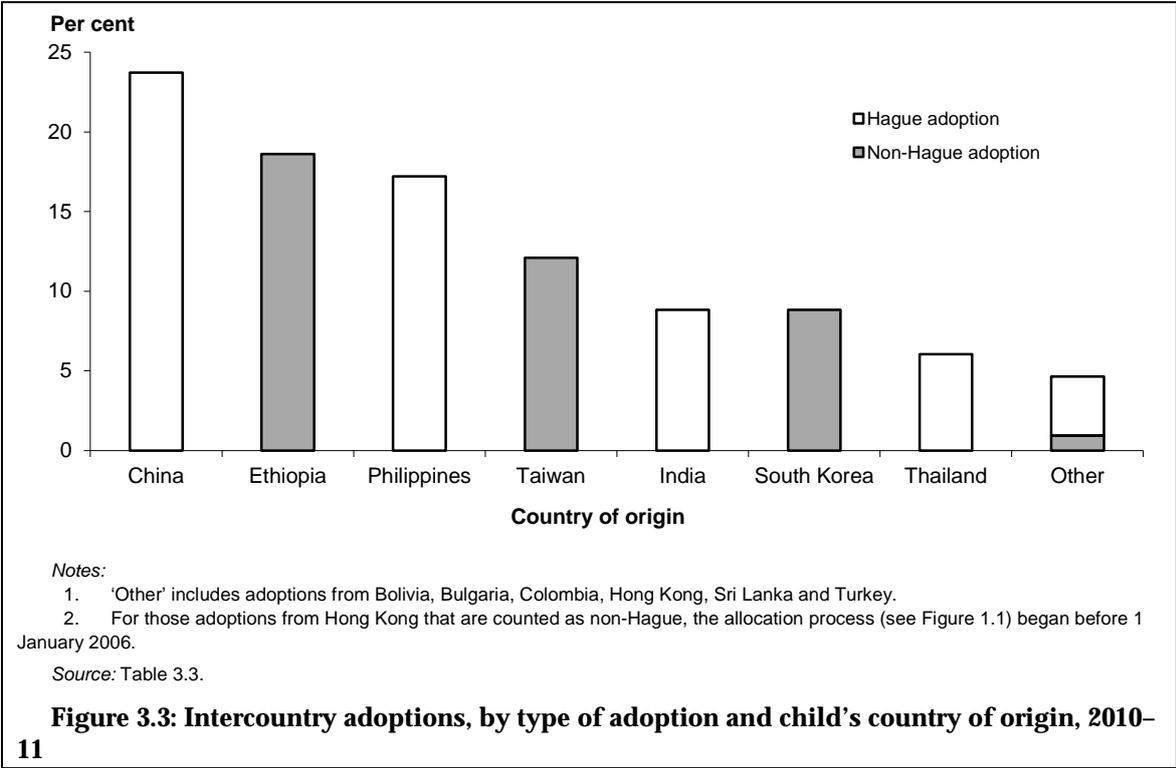


Table 3.3: Number of intercountry adoptions, by type of adoption and child's country of origin, 2010–11

Country of origin	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Australia
Hague adoptions									
China ^(a)	16	13	7	4	10	1	—	—	51
Philippines	18	9	7	—	—	1	1	1	37
India	6	6	2	1	3	—	1	—	19
Thailand	2	4	2	—	2	—	3	—	13
Other ^(c)	2	2	1	—	3	—	—	—	9
<i>Total Hague adoptions</i>	<i>44</i>	<i>34</i>	<i>19</i>	<i>5</i>	<i>18</i>	<i>2</i>	<i>5</i>	<i>1</i>	<i>128</i>
Non-Hague adoptions									
Ethiopia	10	15	5	1	4	4	1	—	40
Taiwan	6	2	9	1	3	4	1	—	26
South Korea	10	5	2	1	1	—	—	—	19
Hong Kong ^(b)	—	—	—	—	—	2	—	—	2
<i>Total non-Hague adoptions</i>	<i>26</i>	<i>22</i>	<i>16</i>	<i>3</i>	<i>8</i>	<i>10</i>	<i>2</i>	<i>—</i>	<i>87</i>
Total intercountry adoptions	70	56	35	8	26	12	7	1	215
Proportion of intercountry adoptions (per cent)	32.6	26.0	16.3	3.7	12.1	5.6	3.3	0.5	100.0

(a) Excludes Special Administrative Regions and Taiwan Province.

(b) Special Administrative Region of China.

(c) 'Other' includes Hague adoptions from Bolivia, Bulgaria, Columbia, Hong Kong, Sri Lanka & Turkey.

Note: For those adoptions from Hong Kong that are counted as non-Hague, the allocation process (see Figure 1.1) began before 1 January 2006.

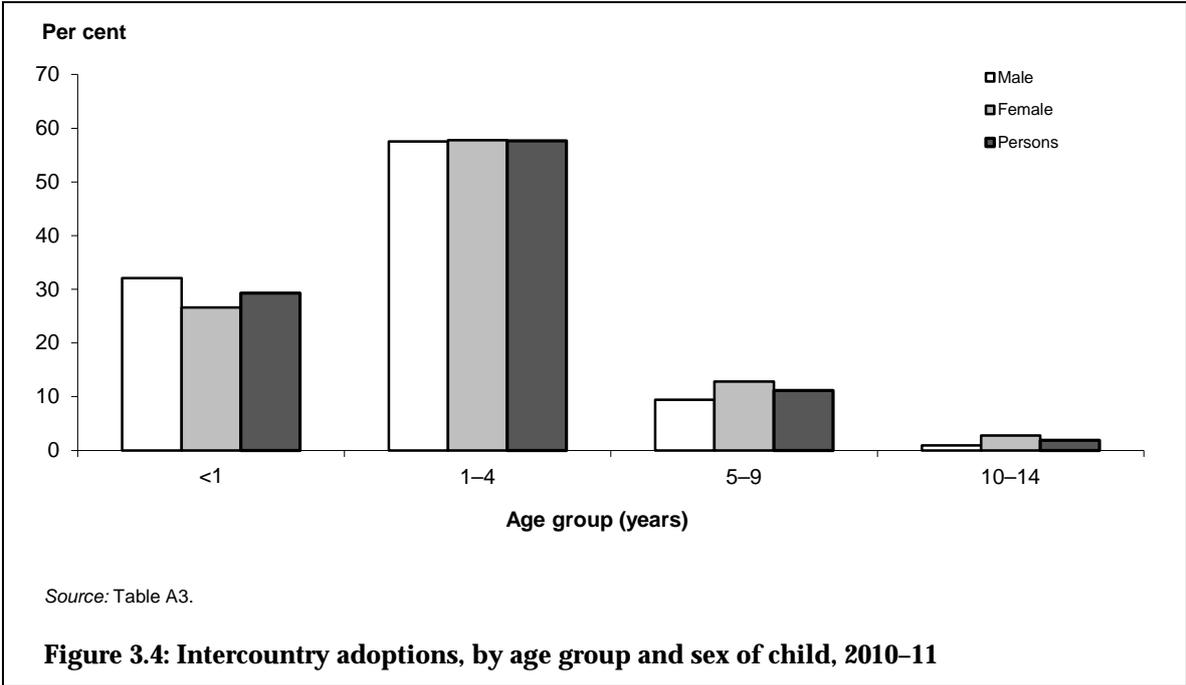
Source: AIHW Adoptions Australia data collection.

Characteristics of adopted children

As in previous years, the majority of children in intercountry adoptions were aged under 5 (87%). About a third of all intercountry adoptions were of infants aged under 12 months (29%) (Figure 3.2). Unlike in 2009–10 when a greater proportion (56%) of intercountry adoptees were male, in 2010–11 similar proportions of males and females were adopted (49% compared with 51%) (Figure 3.4).

Children who were the subject of non-Hague adoptions were more likely to be infants—52% of non-Hague adoptees were aged under 12 months, compared with 14% of Hague adoptees (Table A12). This may reflect the different processes used in countries with which Australia has adoption programs and differences in the kinds of children needing adoption. For instance, in South Korea societal pressures still lead many unmarried mothers to give up their newborn children for adoption (Bitzan 2008). This contributes to a high proportion of adoptees from South Korea being infants, despite the country's declining fertility rate and an overall reduction in the number of children in need of intercountry adoption. In 2010–11, 17

of the 19 children adopted from South Korea were infants (89%), and 27% of all intercountry adoptions of infants were from South Korea (AIHW Adoptions Australia data collection).



The majority of intercountry adoptions were of single children, but 16% of children were adopted as part of a sibling group. Twice as many sibling groups were adopted through non-Hague than Hague adoptions (10 compared with 5) (Table A13).

Administration of Hague adoptions

In 2010-11, 56% of children who were the subject of Hague adoptions entered Australia under guardianship orders, and then had their adoption orders finalised in Australia. The remaining 44% entered Australia under full adoption orders made in their country of origin (Table A14).

Of those children entering Australia under guardianship orders, 51% were from the Philippines, a quarter (25%) from India and 18% from Thailand (Table A14).

Characteristics of adoptive families

Adoptive parents tend to be older than biological parents largely due to eligibility requirements. More than two-thirds of adoptive parents (68%) in 2010-11 were aged 40 and over (Figure 3.5) and nearly all intercountry adoptions were made by couples in a registered marriage (94%) (Table 3.4). This reflects the criteria used to assess the eligibility of prospective adoptive parents by local authorities and overseas partners. In most jurisdictions in Australia, de facto married couples are eligible to adopt and an increasing number of Australian jurisdictions allow same-sex couples to adopt; however, each overseas partner has their own eligibility criteria that must be met for an adoption application to proceed. Increasingly fewer intercountry programs permit applications from single persons, with many programs requiring prospective adoptive parents to have been in a registered marriage for a set time. Many programs also specify a minimum age requirement for adoptive parents; for example, China requires applicants to be between 30 and 50 (AGD

2011b). Further, none of the current intercountry agreements have provisions that allow same-sex couples to apply (AGD 2011b).

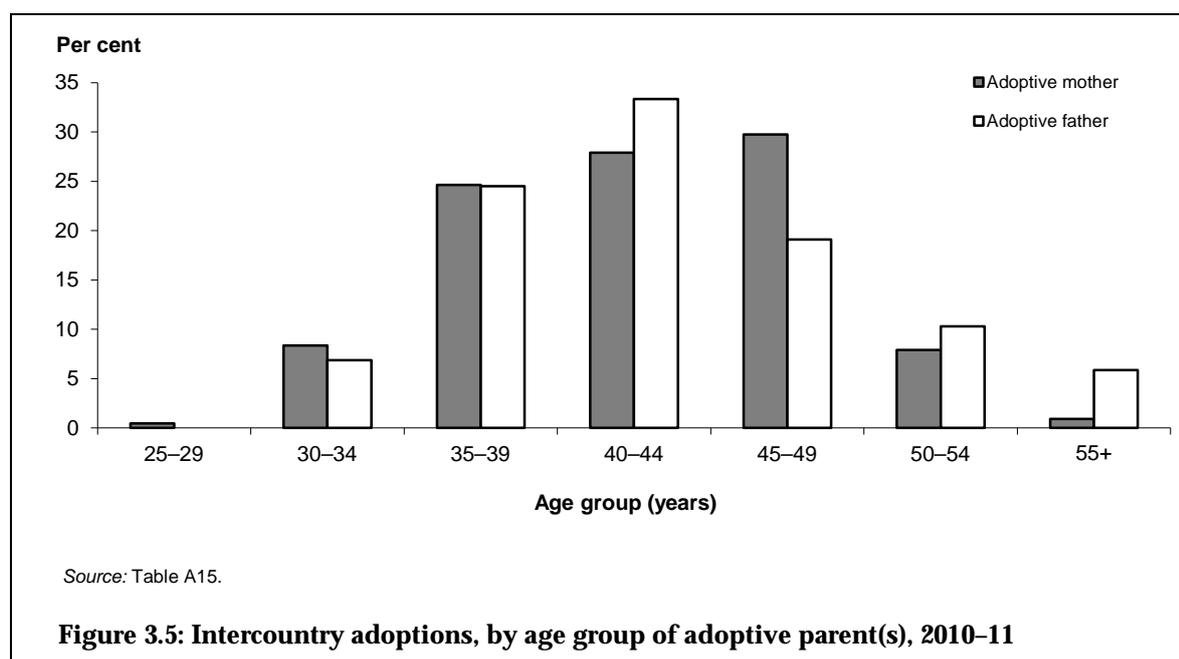


Figure 3.5: Intercountry adoptions, by age group of adoptive parent(s), 2010-11

Table 3.4: Intercountry adoptions, by type of adoption and marital status of the adoptive parent(s), 2010-11

Marital status of the adoptive parent(s)	Hague adoption		Non-Hague adoption		All intercountry adoptions	
	Number	Per cent	Number	Per cent	Number	Per cent
Registered married couple	123	96.1	78	89.7	201	93.5
De facto married couple	2	1.6	1	1.1	3	1.4
Single person ^(a)	3	2.3	8	9.2	11	5.1
Total	128	100.0	87	100.0	215	100

(a) May include widowed parents.

Source: AIHW Adoptions Australia data collection.

As in the previous year, most children were adopted into families with no other children (55%). Before the adoption, just over a quarter (26%) of the adoptive families had other adopted children only, and a further 16% had biological children only (Table 3.5). As with marital status and the adoptive parents' age, some overseas partner countries have specific eligibility criteria that affect these proportions directly—such as infertility requirements or restrictions on family size (AGD 2011b). A higher proportion of adoptions from Hague countries than non-Hague countries were by families who had children before the adoption (51% compared with 38%) (Table 3.5, note: excludes adoptions from New South Wales).

Table 3.5: Intercountry adoptions, by type of adoption and composition of the adoptive family, 2010–11

Composition of the adoptive family	Hague adoption		Non-Hague adoption		All intercountry adoptions	
	Number	Per cent	Number	Per cent	Number	Per cent
No other children in the family	41	48.8	38	62.3	79	54.5
Biological children only	15	17.9	8	13.1	23	15.9
Adopted children only	24	28.6	14	23.0	38	26.2
Both biological and adopted children	4	4.8	1	1.6	5	3.4
Total^(a)	84	100.0	61	100.0	145	100.0

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

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

Source: AIHW Adoptions Australia data collection.

Expatriate adoptions

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

In 2010–11, there were 119 adoption-specific visas issued for children who were adopted through an overseas agency or authority, and whose adoptive parents lived overseas for 12 months or more (Table A16). This was a 2% decrease from 2009–10, when 122 visas were issued (AIHW 2010b). In 2010–11, visas for this type of adoption were issued from 37 countries, compared with 36 in 2010–11 (AIHW 2010b).

A further 169 visas were issued for standard intercountry adoptions that were arranged by an Australian state or territory authority (Table A16). However, not all children who were issued with visas in 2010–11 would have necessarily entered Australia during that period.

3.3 Local adoptions

In 2010–11, there were 45 local adoptions, representing 12% of all adoptions (Table 3.6; Figure 3.1). The number of local adoptions was fewer than in the previous year, decreasing by 16, or 26%, from 2009–10 (Table A5).

Table 3.6: Local adoptions, by state and territory, 2010–11

State/territory	Number	Per cent
New South Wales	14	31.1
Victoria	23	51.1
Queensland ^(a)	1	2.2
Western Australia	4	8.9
South Australia	2	4.4
Tasmania	—	—
Australian Capital Territory	1	2.2
Northern Territory	—	—
Australia	45	100.0

(a) New legislative provisions introduced in Queensland resulted in 12-month interim adoption orders being made rather than final adoption orders, therefore these have not been counted as finalised adoptions in the above table. Seven interim adoption orders were made in 2010–2011 for a total of eight adoption placements in Queensland in 2010–2011.

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

Source: AIHW Adoptions Australia data collection.

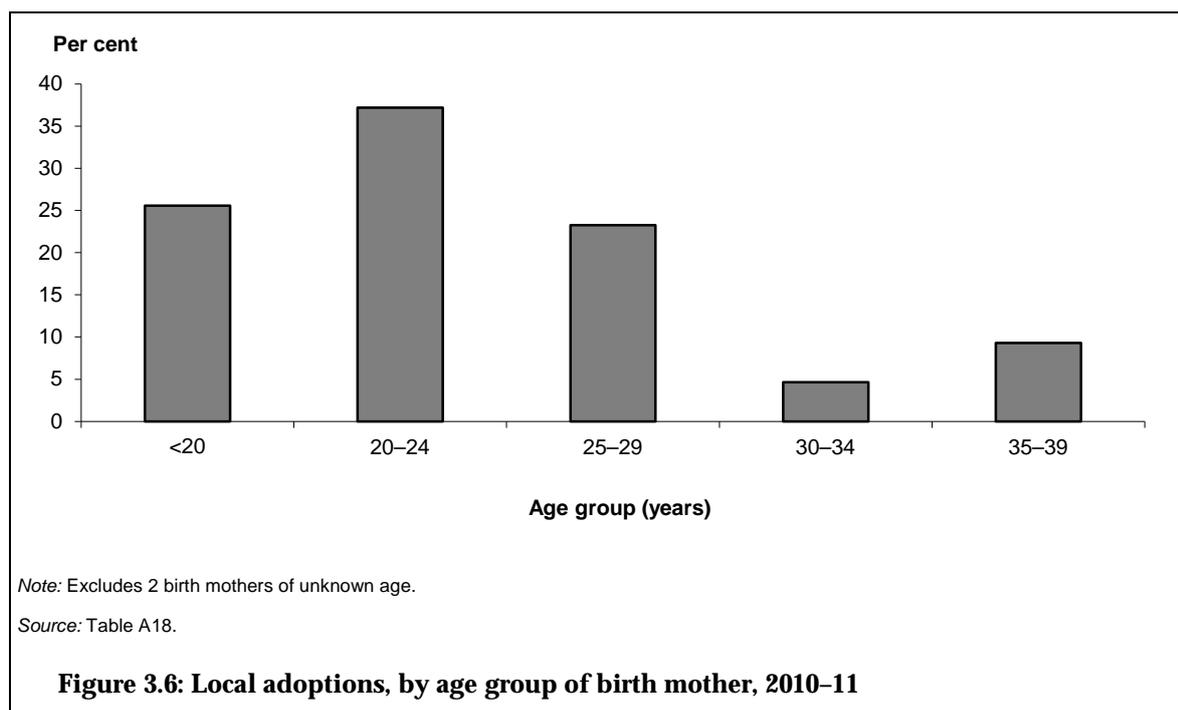
Characteristics of adopted children

As with intercountry adoptions, almost all (96%) of the 45 local adoptions were of children aged under 5. Children in local adoptions tend to be younger than children adopted from other countries—in 2010–11, 38% of the local adoptions were of infants (aged under 12 months), compared with about 29% of children adopted from other countries. Refer to ‘Adoption of overseas children’ in Section 4.2 for a discussion of factors that contribute to this pattern.

In 2010–11, two-thirds (67%) of local adoptions were males. This is the reverse of what occurred in 2009–10 when two-thirds were female (Table A3; AIHW 2010b). As with the previous year, no children in 2010–11 were adopted as part of a sibling group (Table A13).

Characteristics of birth mothers

The median age of birth mothers of adopted children in 2010–11 was 21, which is 10 years younger than that of all mothers giving birth in 2009 (31) and 6 years younger than that of all unmarried mothers giving birth in 2009 (27) (Table A17; ABS 2009a). In 2010–11, 86% of children in local adoptions had birth mothers who were under 30 (63% were under 25) (Figure 3.6). The majority of birth mothers were also not in a registered marriage (89%) (Table A19). The marital status of birth mothers is likely influenced by both age and patterns of decreasing registered marriages and increasing de facto relationships in the general population (ABS 2009b).



Administration of local adoptions

In about half of local adoptions (49%), consent was given by the birth mother only—this may relate to the high proportion of mothers who were not in a registered marriage at the time of birth. Just over a third (36%) of local adoptions had consent from both birth parents (Table 3.7).

Table 3.7: Local adoptions, by type of consent, 2010–11

Type of consent given	Number	Per cent
From birth mother only ^(a)	22	48.9
From birth father only ^(b)	—	—
From both birth parents	16	35.6
Both birth parents' consent dispensed/not required	2	4.4
Unknown	5	11.1
Total	45	100.0

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

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

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

Source: AIHW Adoptions Australia data collection.

Agreements made at the time of adoption indicated that about four-fifths (84%) of local adoptions could be considered 'open'—that is, all parties were happy to allow a degree of contact or information exchange to occur between families (Table 3.8). Although this is a decrease from the proportion of such adoptions in 2009–10 (92%), for 3 of the remaining 7 adoptions in 2010–11 where birth parents had requested no contact or information between them and the adopting family at the time of the adoption, arrangements were made for information to be filed should the birth parents ever choose to receive it.

'Open' adoption agreements have been the most common arrangement in the past 10 years for local adoptions (Table A20). This is representative of the change in local adoption practices from a guarded practice, where files were sealed and parties to the adoption had no contact with each other, to a more open practice, which can involve access to information or contact between the parties. Over the last decade, the proportion of local adoptions where the birth and adoptive families have agreed to allow some type of contact or information exchange has been between 66% and 95% (Table A20).

Table 3.8: Local adoptions, by type of agreement, 2010–11

Type of agreement	Number	Per cent ^(a)
Contact and information exchange	36	80.0
Contact only	—	—
Information exchange only	2	4.4
No contact or information exchange	7	15.6
Unknown	—	—
Total	45	100.0

Source: AIHW Adoptions Australia data collection.

More than half (56%) of the local adoptions in 2010–11 were arranged by relevant state and territory government departments. The rest (44%) were arranged by non-government agencies (Table A21).

Characteristics of adoptive families

In local adoptions, similar patterns occurred in 2010–11 regarding adoptive parents' age and marital status to those noted for intercountry adoptions. More than half (52%) of the adoptive parents were aged 40 and over, while 45% were aged 30–39. There were no adoptive parents aged under 25 (Figure 3.7), and the majority of local adoptions were by couples who were in a registered marriage (93%) (Table 3.9).

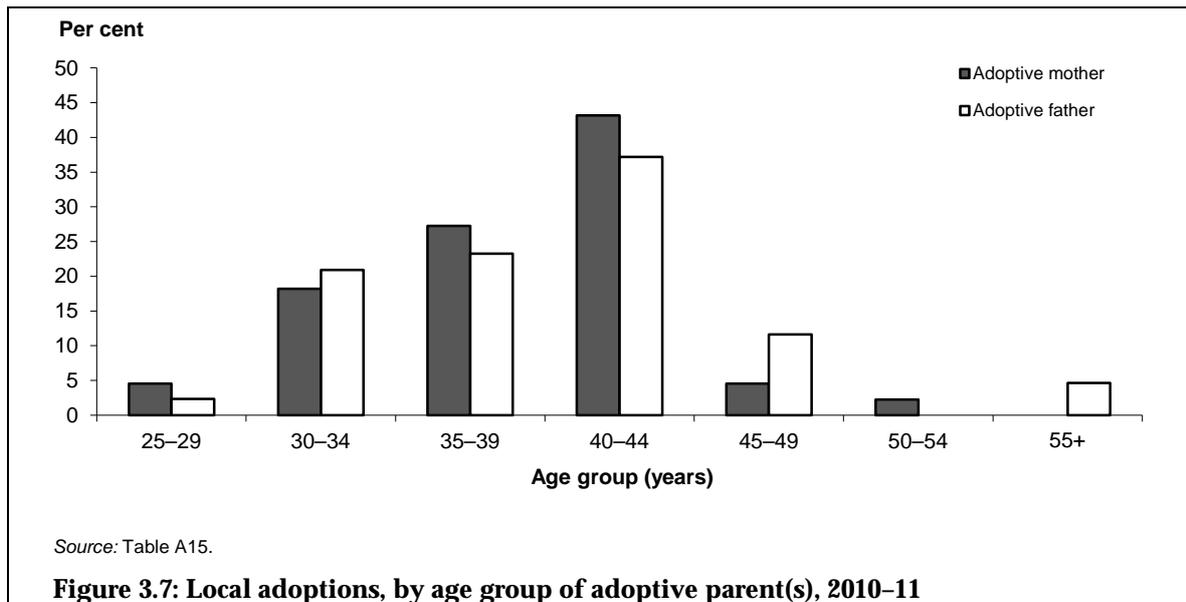


Table 3.9: Local adoptions, by marital status of the adoptive parent(s), 2010-11

Marital status of the adoptive parent(s)	Number	Per cent
Registered married couple	42	93.3
De facto married couple	—	—
Single person ^(a)	3	6.7
Total	45	100.0

(a) May include widowed parents.

Source: AIHW Adoptions Australia data collection.

Most children were adopted into families with no other children (61%). About 1 in 5 (19%) of the adoptive families had adopted children only, and a further 16% had biological children only (Table 3.10, note: excludes adoptions from New South Wales).

Table 3.10: Local adoptions, by composition of the adoptive family, 2010-11

Composition of the adoptive family	Number	Per cent
No other children in the family	19	61.3
Biological children only	5	16.1
Adopted children only	6	19.4
Both biological and adopted children	1	3.2
Total^(a)	31	100.0

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

Source: AIHW Adoptions Australia data collection.

Although eligibility criteria set by local adoption authorities in Australia are generally less restrictive than those set by agencies in overseas partner countries for intercountry adoptions, it is likely that these criteria still influence the proportions reported above. For example, only registered married couples are allowed to adopt in Tasmania and the Northern Territory, whereas registered and de facto married couples are eligible in all other jurisdictions—with same-sex couples able to adopt in New South Wales, Western Australia, Tasmania and the ACT. However, specifications around the length of time couples need to

have been in a married or de facto married relationship, and the increasing tendency for couples to postpone having children and enter into these relationships later in life would increase both the proportion of older adoptive parents and married couples (ABS 2007).

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

3.4 ‘Known’ child adoptions

There were 124 ‘known’ child adoptions in 2010–11, representing almost a third (32%) of all adoptions (Table 3.11; Figure 3.1) and just under three-quarters of adoptions of Australian children (73%). The number of ‘known’ adoptions was similar to the previous year, decreasing by 5, or 4%, from 2009–10 (Table A6).

Table 3.11: ‘Known’ child adoptions, by state and territory, 2010–11

State/territory	Number ^(a)	Per cent
New South Wales	81	65.3
Victoria	7	5.6
Queensland	4	3.2
Western Australia	25	20.2
South Australia	2	1.6
Tasmania	2	1.6
Australian Capital Territory	3	2.4
Northern Territory	—	—
Australia	124	100.0

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

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

Source: AIHW Adoptions Australia data collection.

In 2010–11, almost 3 in 5 (59%) ‘known’ adoptions were by step-parents and almost all others (40%) were by carers such as foster parents. These proportions are similar to those of the previous year (57% and 41%, respectively) and are indicative of jurisdictional policies which promote the use of options other than adoption in instances where relatives other than step-parents are to have long-term parental responsibility for a child (Table 3.12; Table A22).

Table 3.12: ‘Known’ child adoptions, by relationship of adoptive parent(s), 2010–11

Relationship of the adoptive parent(s)	Number ^(a)	Per cent
Step-parent	73 ^(b)	58.9
Relative ^(c)	1	0.8
Carer	49	39.5
Other	1	0.8
Total	124	100.0

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

(b) Includes 16 adult adoptions from Western Australia. In previous years ‘Other’ was used to represent adult adoptions.

(c) Includes relatives other than step-parents.

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

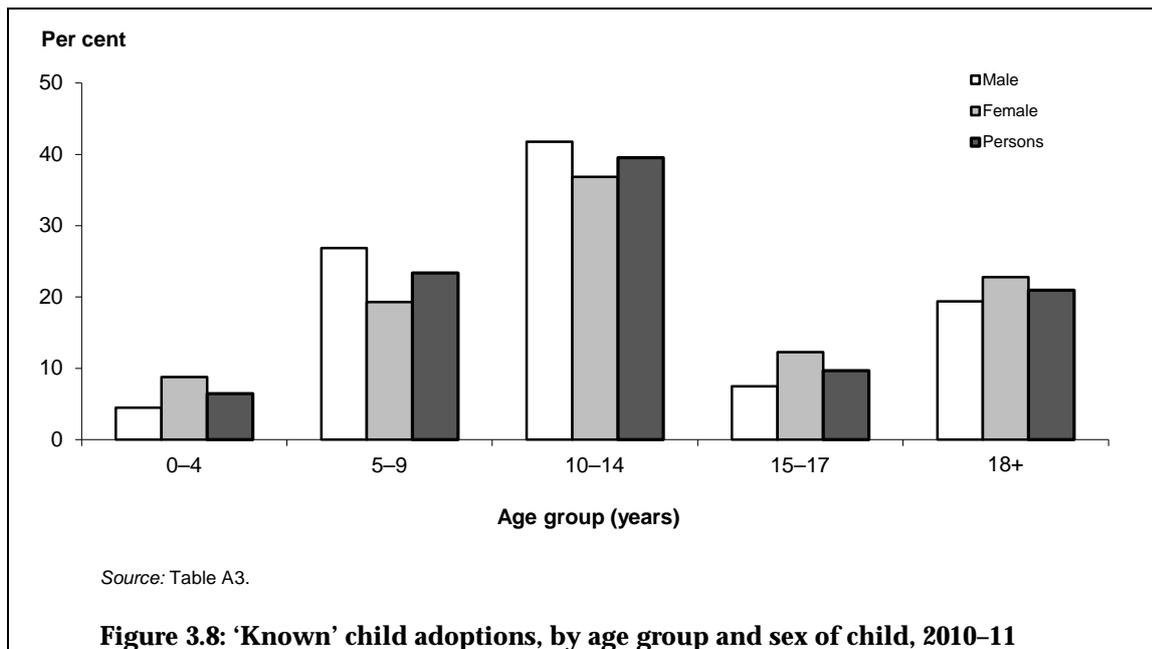
Source: AIHW Adoptions Australia data collection.

Characteristics of adopted children

Overall, 54% of ‘known’ child adoptees were male and 46% female (Table A3). A greater proportion of males than females were aged 5–14 (69% compared with 56%), while a greater proportion of females were aged 0–4 (9% compared with 5%) and 15–17 (12% compared with 8%) (Figure 3.8).

Australian children from ‘known’ child adoptions tend to be much older than children in local or intercountry adoptions. In 2010–11, 7 in 10 (70%) ‘known’ child adoptions were of children aged 10 and over—21% were aged 18 and over. Only 7% were of children under 5 (Figure 3.8). This reflects jurisdictions’ legislation, departmental policies and practices regarding the ‘known’ child’s age and the length of time the prospective parent(s) need to have had a relationship with the child (see Appendix B.1).

The older age of children in ‘known’ child adoptions is also driven by the high proportion of adoptions by step-parents (59% of all ‘known’ adoptions). Children adopted by step-parents tend to be older than those adopted by other adults owing to the additional time involved in forming step families. Of the ‘known’ adoptions in 2010–11, about four-fifths (84%) of the children in step-parent adoptions were aged 10 and over, compared with 51% of children adopted by other adults (Table A23).



3.5 Access to information

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

Currently, all states and territories have legislation that grants certain information rights to adopted people who are aged 18 and over, and to their adoptive and birth families. However, the extent of these rights and of the protection of the privacy of parties to the adoption varies among the jurisdictions (Appendix B.2 and B.3).

Information applications

All states and territories have established adoption information services or information and contact registers (or other similar systems). The requirements for accessing information about a past adoption differ for each jurisdiction (Appendix B.3).

Parties to an adoption may apply for access to identifying or non-identifying information. 'Identifying information' is information, such as the original birth certificate (adopted persons) or the amended birth certificate (birth parents), which identifies the actual person about whom the information is being sought. 'Non-identifying information' does not identify the person about whom the information is sought; this can include age of birth parent(s) and place of birth.

In 2010–11:

- There were 2,951 information applications made—83% for identifying information and 17% for non-identifying information (Table 3.13).
- The majority of the information applications (both identifying and non-identifying) were made by the adopted person (70% in total); 13% were made by the birth parents and 11% by other birth relatives (Table 3.13).
- About four-fifths (83%) of adopted persons seeking identifying information were aged 35 and over (Table 3.14).
- A similar proportion of female and male adopted persons sought identifying information (51% compared with 49%) (Table 3.14).

Table 3.13: Number of information applications lodged, by person lodging application, 2010–11

Person lodging the application	NSW ^(a)	Vic	Qld	WA ^{(b)(c)}	SA	Tas	ACT	NT ^(b)	Australia	Total (%)
Identifying information										
Adopted person	545	385	418	167	205	47	26	33	1,826	74.6
Adoptive mother	—	—	—	6	3	—	2	—	11	0.4
Adoptive father	—	—	—	—	1	—	—	—	1	0.0
Birth mother	89	—	79	37	25	1	4	6	241	9.8
Birth father	9	—	21	7	4	—	—	1	42	1.7
Other birth relative(s)	39	—	67	42	31	7	2	2	190	7.8
Other adoptive relative(s)	2	—	—	3	11	—	—	—	16	0.7
Child of adopted person	23	49	—	29	18	2	—	—	121	4.9
Unknown	—	—	—	1	—	—	—	—	1	0.0
Total	707	434	585	292	298	57	34	34	2,449	100.0
Non-identifying information										
Adopted person	—	—	22	165	6	—	—	34	227	45.2
Adoptive mother	—	2	1	6	—	—	—	2	11	2.2
Adoptive father	—	1	—	—	—	—	—	—	1	0.2
Birth mother	—	44	6	32	1	—	—	6	89	17.7
Birth father	—	9	—	7	—	—	—	1	17	3.4
Other birth relative(s)	—	84	2	39	—	—	—	2	127	25.3
Other adoptive relative(s)	—	—	—	2	—	—	—	—	2	0.4
Child of adopted person	—	—	—	25	—	—	—	—	25	5.0
Unknown	—	2	—	1	—	—	—	—	3	0.6
Total	—	142	31	277	7	—	—	45	502	100.0

(a) For adoption orders that occur after 1 January 2010, adopted persons, adoptive parents and birth parents are able to apply for identifying information about one another where an adopted person is over the age of 18. Where an adopted person is under the age of 18, he/she will need his/her adoptive parent/s' consent or consent of the Director General of NSW Department of Family and Community Services to apply for his/her identifying information. When a birth parent applies for identifying information where the adopted person is under the age of 18, the birth parent must produce a supply authority that has been issued after a risk assessment.

(b) In Western Australia and the Northern Territory, clients can apply for both identifying and non-identifying information in the same application. In these cases, the application is counted twice—once under 'identifying information' and once under 'non-identifying information'.

(c) In Western Australia, where an application is lodged by both adoptive/birth parents it is counted under the mother. For identifying and non-identifying information applications in 2010–11, adoptive mother includes 3 applications from adoptive parents and birth mother includes 1 application from birth parents.

Notes:

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

Source: AIHW Adoptions Australia data collection.

Table 3.14: Adult adopted persons who lodged information applications, by Indigenous status, age group and sex of applicant, 2010–11

Age group (years)	Indigenous Australians			Other Australians			Total ^(a)			Total (%) ^(b)
	Males	Females	Persons	Males	Females	Persons	Males	Females	Persons	
18–19	1	—	1	3	14	17	4	14	18	1.4
20–24	—	3	3	7	28	35	7	31	38	2.9
25–34	1	4	5	88	74	162	89	78	167	12.7
35–44	2	12	14	244	207	451	246	219	465	35.4
45+	4	12	16	290	319	609	294	331	625	47.6
Total	8	31	39	632	642	1,274	640	673	1,313	
Total (%)	20.5	79.5	100.0	49.6	50.4	100.0	48.8	51.2	100.0	100.0

(a) Total Males, Females and Persons exclude 6 males and 5 females whose age was unknown.

(b) Percentages exclude 6 males and 5 females whose age was unknown.

Notes:

1. NSW was unable to provide data for this table.

2. If Indigenous status was unknown, the person was included in the 'Other Australians' category.

Source: AIHW Adoptions Australia data collection.

Contact and identifying information vetoes

In some cases, a party to an adoption may wish to block contact or access to information by another party to the adoption. In the case of an identifying information veto, a party to an adoption may, in some states and territories, make an application requesting that identifying information not be released to any other party to the adoption (see Appendix B.3).

A contact veto can also be lodged when a person does not wish to be contacted by another party to the adoption. These vetoes are legally binding and if a person receives identifying information and goes on to contact the other party when a contact veto is in place, legal action can be taken. Contact and information vetoes can, however, be lifted by the person who lodged them. In some states and territories, vetoes are only valid for a particular time and need to be renewed by the expiration date to continue. Contact vetoes may be lodged relating to adoptions for which information is never requested.

In 2010–11:

- There were 108 contact and identifying information vetoes lodged (Table 3.15).
- There were 8,705 contact and identifying information vetoes in place at 30 June 2011 (Table 3.16).
- For both vetoes lodged in 2010–11 and vetoes in place at 30 June 2011, the majority were lodged by the adopted person (62% and 55%, respectively) (Tables 3.15; Table 3.16).
- The number of vetoes lodged each year has fluctuated, but generally declined over time from a peak of 584 in 1994–95 (Table A24).
- As in previous years, in 2010–11 the number of applications for information far exceeded the number of vetoes lodged against contact or the release of identifying information—2,951 compared with 108 (Table A24).

Table 3.15: Number of vetoes lodged in 2010–11, by person lodging veto, for selected states and territories^(a)

Person lodging the veto	NSW ^(b,c)	Qld ^(b,c,d)	SA ^(c,f)	Tas ^(c)	ACT ^(d)	NT ^(b,e)	Total	Total (%)
Contact vetoes								
Adopted person	2	41	..	3	..	—	46	66.7
Adoptive mother	..	..	..	—	..	..	—	—
Adoptive father	..	..	..	—	..	..	—	—
Birth mother	—	19	..	1	..	—	20	29.0
Birth father	—	3	..	—	..	—	3	4.3
Other birth relative(s)	..	..	..	—	..	..	—	—
Other adoptive relative(s)	..	..	..	—	..	..	—	—
Total	2	63	..	4	..	—	69	100.0
Identifying information vetoes								
Adopted person	..	..	21	..	—	—	21	53.8
Adoptive mother	..	..	1	..	—	..	1	2.7
Adoptive father	..	..	1	..	—	..	1	2.7
Birth mother	..	..	15	..	—	—	15	38.5
Birth father	..	..	1	..	—	—	1	2.7
Other birth relative(s)	..	..	—	..	—	..	—	—
Other adoptive relative(s)	..	..	—	..	—	..	—	—
Total	..	..	39	..	—	—	39	100.0

.. not applicable

— nil or rounded to zero

- (a) Victoria is not included in the total. In Victoria, no veto system operates. In Western Australia, amendments to the Adoption Act 1994 gazetted in 2003 prohibit the placement after 1 June 2003 of any new information or contact vetoes on any adoptions. However, adopted persons turning 18, where adoptive parent(s) have previously placed existing contact vetoes on the adoptee's behalf, have 12 months in which to request the continuation of the current veto. All existing information vetoes became ineffective on 1 June 2005.
- (b) In some jurisdictions, only certain people may lodge a veto. In NSW, contact vetoes can only be lodged where the adoption occurred before 26 October 1990; and only adopted persons and birth parents may lodge a contact veto. In Queensland, a contact statement requesting no contact can be lodged by birth parents and adopted people and it is an offence to contact a person who has lodged a contact statement if the adoption order was made before June 1991. In the Northern Territory, only the adopted person and birth parent(s) are able to lodge vetoes with respect to adoptions finalised before 1994.
- (c) The release of identifying information cannot be vetoed in NSW or Tasmania. In Tasmania, contact veto applications were not implemented until 18 June 1999. In South Australia, people who were involved in an adoption from 17 August 1989 cannot veto access to contact or identifying information. In Queensland, the release of identifying information cannot be vetoed; however, the Children's 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) The total for Queensland includes both contact statements specifying how contact is to occur and specifying no contact. Of the total, 51 are contact statements for contact wishing to specify how contact is to occur: 14 from birth mothers, 2 were from birth fathers and 36 were from adopted persons. The adopted person and the birth parent/s who signed the adoption consent can lodge a contact statement to express their wishes regarding the manner in which they would prefer to be contacted or to express their wish not to be contacted.
- (d) In the ACT, 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 ACT.
- (e) Both contact and identifying information are vetoed in the same veto lodgment in the Northern Territory.
- (f) A veto in South Australia is valid for only 5 years—a veto must be renewed if the applicant wants it to continue for a further 5 years. In 2010–11, 37 of the 39 applications were renewals.

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

Source: AIHW Adoptions Australia data collection.

Table 3.16: Number of vetoes in place at 30 June 2011, by person lodging veto, for selected states and territories^(a)

Person lodging the veto ^(a)	NSW ^(b,c)	Qld ^(b,c,d)	WA ^(e)	SA	Tas ^(c)	ACT ^(f)	NT ^(b,g)	Total	Total (%)
Contact vetoes									
Adopted person	2,367	1,725	269	..	98	..	3	4,462	54.7
Adoptive mother	..	..	220	..	1	..	..	221	2.7
Adoptive father	..	..	174	..	3	..	..	177	2.2
Birth mother	1,803	1,225	159	..	24	..	—	3,211	39.4
Birth father	53	10	14	..	1	..	—	78	1.0
Other birth relative(s)	..	..	3	..	3	..	..	6	0.1
Other adoptive relative(s)	..	..	1	..	1	..	..	2	0.0
Unknown	—	1	—	..	—	..	—	1	0.0
Total	4,223	2,961	840	..	131	..	3	8,158	100.0
Identifying information vetoes									
Adopted person	..	..	..	244	..	48	3	295	53.9
Adoptive mother	..	..	..	17	..	15	..	32	5.9
Adoptive father	..	..	..	11	..	14	..	25	4.6
Birth mother	..	..	..	158	..	21	—	179	32.7
Birth father	..	..	..	9	..	4	—	13	2.4
Other birth relative(s)	..	..	..	—	..	3	..	3	0.5
Other adoptive relative(s)	..	..	..	—	..	—	..	—	—
Unknown	..	..	..	—	..	—	—	—	—
Total	..	..	..	439	..	105	3	547	100.0

.. not applicable
— nil or rounded to zero

- (a) Victoria is not included in the total because no veto system operates in that state.
- (b) In some jurisdictions, only certain people may lodge a veto. In NSW, only adopted persons and birth parents may lodge a contact veto. In Queensland, a contact statement requesting no contact can be lodged by birth parents and adopted people and it is an offence to contact a person who has lodged a contact statement if the adoption order was made before June 1991. In the Northern Territory, only the adopted person and birth parent(s) are able to lodge vetoes with respect to adoptions finalised before 1994.
- (c) The release of identifying information cannot be vetoed in NSW or Tasmania. In Queensland, the release of identifying information cannot be vetoed; however, the Children's 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 Queensland, since 1 February 2010, the Adoption Act 2009 has allowed for a person to lodge a contact statement specifying how they wish contact to occur as well as specifying no contact. Of the total in 2010–11, 64 are contact statements specifying how contact is to occur: 16 from birth mothers, 4 from birth fathers and 44 from adopted persons.
- (e) In Western Australia, amendments to the Adoption Act 1994 gazetted in 2003 prohibit the placement after 1 June 2003 of any new information or contact vetoes on any adoptions. However, adopted persons turning 18, where adoptive parent(s) have previously placed existing contact vetoes on the adoptee's behalf, have 12 months in which to request the continuation of the current veto. All existing information vetoes became ineffective on 1 June 2005.
- (f) In the ACT, 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 ACT.
- (g) Both contact and identifying information are vetoed in the same veto lodgment in the Northern Territory.

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

Source: AIHW Adoptions Australia data collection.

4 Trends in adoptions in Australia

The number of annual adoptions in Australia has significantly declined during the last four decades. In 1971–72 there were 9,798 finalised adoptions (AIHW 2010a) and by 1990–91 this had fallen to 1,142. In 2010–11 there were only 384 adoptions—a 96% decrease since the early 1970s and the lowest number of annual adoptions since national data have been collated. However, the decline in the number of annual adoptions slowed in recent years—94% of the decline occurred between 1971–72 and 1999–00 (AIHW 2010a; Figure 4.1).

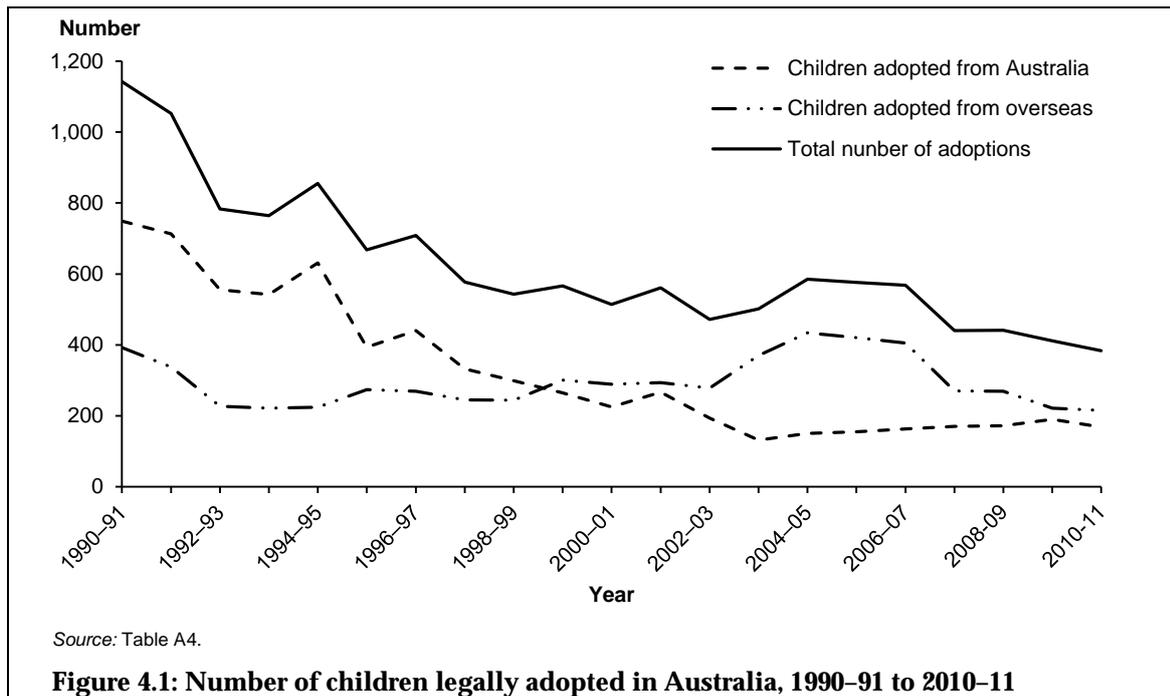
As intercountry adoptions constituted only a relatively small proportion of all adoptions until the mid-1980s (for example, 10% in 1984–85), the overall decline since the early 1970s is largely attributable to the fall in the number of adoptions of Australian children (comprising local and ‘known’ child adoptions) (Table A4).

Legislative changes introduced by state and territory departments over the last two decades facilitating a greater use of alternative legal orders have contributed to the decline. These orders, such as permanent care orders in Victoria, transfer permanent guardianship and custody of a child to a person other than the parent (in most cases, to relatives or carers with whom the child is currently living), often replacing the need for adoption (see Appendix B.1).

Further, changing views within society have reduced the number of children considered to be in need of adoption. Adoption used to be regarded as a solution to illegitimate babies, the risk of impoverishment for single mothers, and the needs of infertile couples. A high degree of secrecy characterised past practices based on the notion that, among other things, those involved needed to be protected from the social stigma of illegitimacy (Higgins 2010). However, over the last four decades there has been increasing social acceptance of raising children outside registered marriage and increased levels of support available to lone parents (Higgins 2010). These changes have reduced the pressure on unmarried women to give up their children for adoption. The secrecy that surrounded past adoptions has also given way to a system predominantly characterised by the open exchange of information.

Broader social trends, such as declining fertility rates, the wider availability of effective birth control and the emergence of family planning centres have also likely contributed to a reduction in Australian children requiring adoption (ABS 2009a).

In contrast, while the introduction of reforms such as the Hague Convention have placed more stringent guidelines around the process of intercountry adoption to protect children and their families against the risks of illegal, irregular, premature or ill-prepared adoptions abroad, there has not been the same large decline in the annual number of intercountry adoptions. Annual numbers of intercountry adoptions have instead fluctuated between 215 and 434 over the last two decades, and have represented the dominant category of adoptions since 1999–00 (Figure 4.1).



Between 2006-07 and 2010-11, the national ratio of adoptions to births fell from 2.2 to 1.3 adoptions per 1,000 births (Table 4.1). Driving this trend are the falling numbers of annual adoptions combined with the record numbers of births in 2008 and 2009 (ABS 2009a).

Table 4.1: Number of adoptions and ratio to births, 2006-07 to 2010-11

Year	Number of adoptions	Adoptions per 1000 births ^(a)
2006-07	568	2.2
2007-08	440	1.7
2008-09	441	1.5
2009-10	412	1.4
2010-11	384	1.3

(a) ABS registered births in each state/territory at 31 December 2005 to 2009 are used to calculate this ratio. Note that these ratios are indicative because not all adoptions are of infants.

Source: AIHW Adoptions Australia data collection and ABS Births Australia 2009.

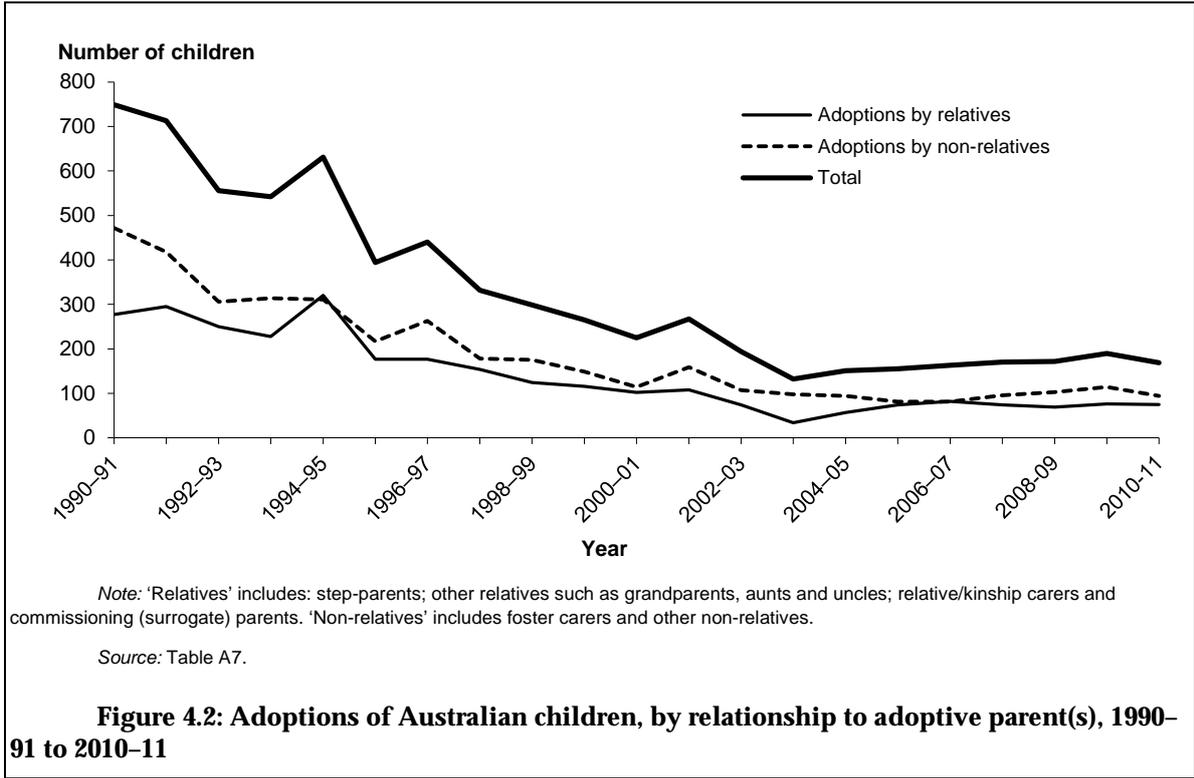
4.1 Trends in categories of adoptions

Adoption of Australian children

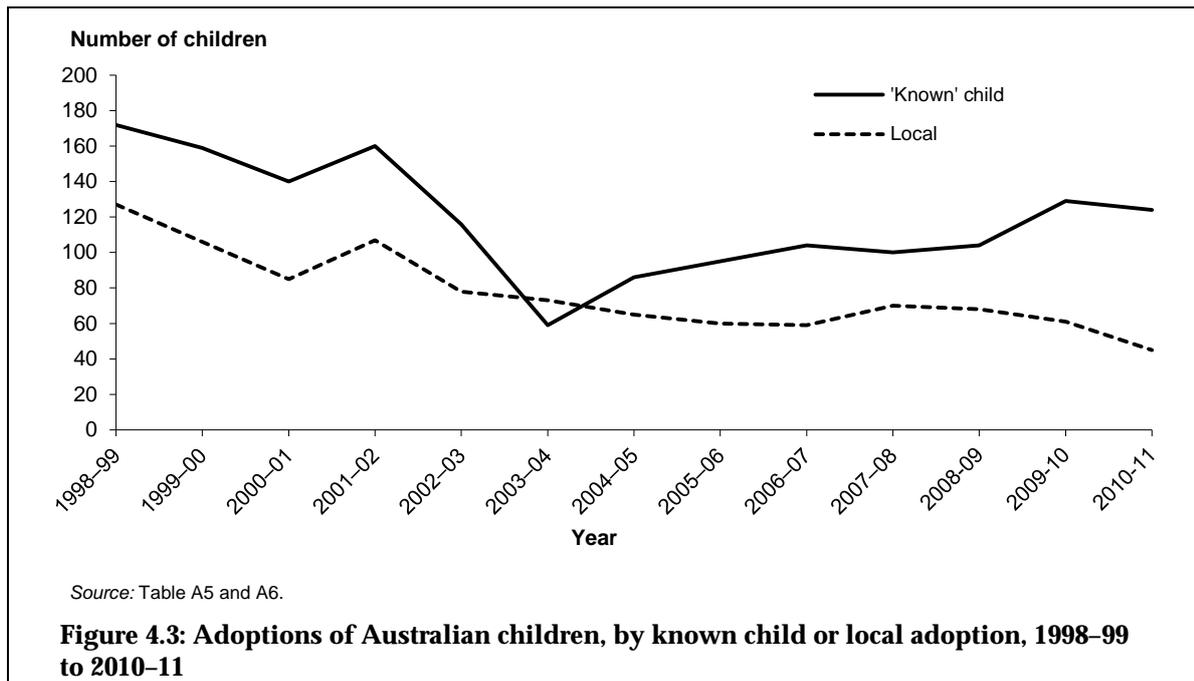
Between 1990–91 and 2010–11 the number of annual adoptions of Australian children fell from 749 to 169—a 77% decline (Table A4). Although changes to the adoption categories in 1998–99 limit the amount of trend data available for local and ‘known’ child adoptions, it is possible to explore trends for adoptions by both relatives and non-relatives over a longer period.

The number of Australian children adopted by relatives and non-relatives has fluctuated since the early 1990s, but has decreased overall. Between 1990–91 and 2010–11, this decline was more pronounced in adoptions by non-relatives—an 80% decrease from 472 to 94 adoptions, compared with a 73% decrease from 277 to 75 adoptions by relatives (Figure 4.2).

Despite the slightly larger decline in the number of non-relative adoptions during this time, non-relative adoption has generally remained the more common of the two forms of adoption. This trend likely reflects the fact that, with the exception of step-parent adoption, most states and territories have policies that promote the use of parental responsibility orders rather than adoption in circumstances where a child is to be permanently cared for by a relative (for example, the use of permanent care and guardianship/custody orders).



Both local and ‘known’ child adoptions have fluctuated over time, but decreased overall since 1998–99—from 127 to 45, and from 172 to 124, respectively (Figure 4.3). The number of ‘known’ adoptions fell to 59 by 2003-04, but since then has more than doubled to 124.

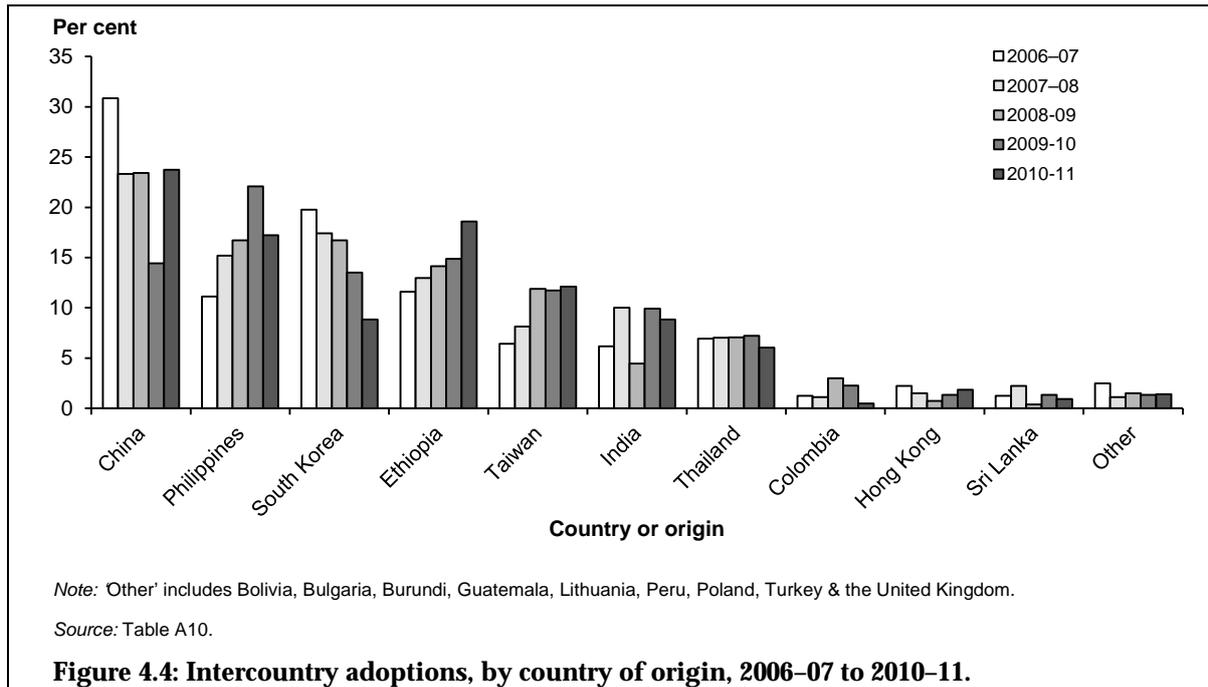


Adoption of overseas children

Since 1999–00, intercountry adoptions have been the most common form of adoption in Australia. In 2010–11, they represented 56% of all adoptions. Between 2009–10 and 2010–11 the proportion of annual adoptions that were intercountry adoptions increased slightly (from 54% to 56%) (Table A4). However, the number of intercountry adoptions in 2010–11 fell by 7 from the previous year, continuing a pattern of decline since the 434 intercountry adoptions in 2004–05 (Table A9).

Between 1990–91 and 2010–11 an average of 295 children were adopted from overseas each year. The 215 intercountry adoptions in 2010–11 represented the lowest number of such adoptions during the period—a 45% drop from the 393 intercountry adoptions in 1990–91 (Table A9).

The change in the number of intercountry adoptions can, at least in part, be attributed to variations in the intercountry programs operating each year and changes in adoption practices in countries of origin. For example, South Korea has been deliberately reducing the number of exit permits for children approved for intercountry adoption, giving preference to local options (AGD 2011b). Thailand currently has a moratorium on accepting new applications to adopt, except for applicants willing to parent a child with special needs, and the Philippines are not accepting applications to adopt children under the age of 25 months. These factors have reduced the number of applications to these countries. Similarly, domestic adoption numbers in India more than doubled in the period 2006 to 2010 (Central Adoption Resource Authority 2011).



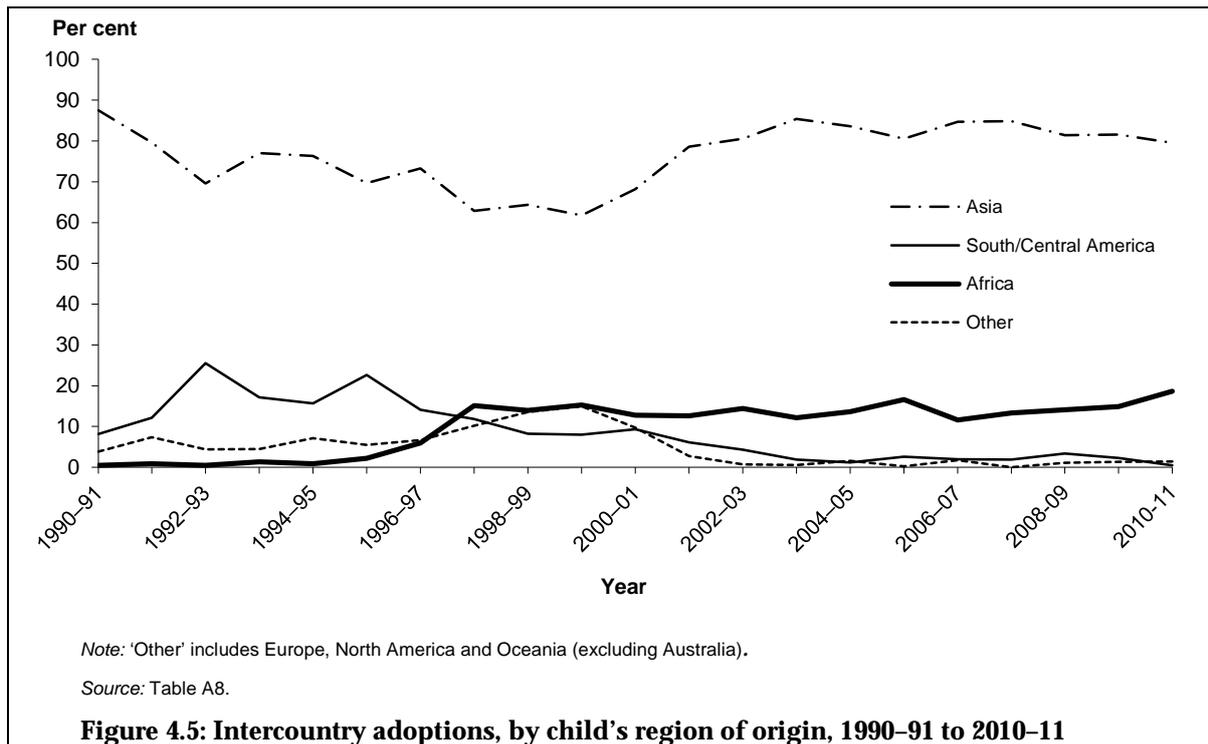
Countries of origin

In accordance with the changes noted above, the key countries of origin have also varied since the early 1990s. Although the majority of intercountry adoptions have consistently been from Asia, there have been considerable changes in the proportion of children adopted from Africa and South/Central America (Figure 4.5).

Children from African countries made up 19% of all intercountry adoptions in 2010-11, up from less than 1% in 1990-91 (Figure 4.5). This change can be directly attributed to the increase in adoptions from Ethiopia during this time—from 5 in 1995-96 to 40 in 2010-11 (AIHW 2004; Table A10).

In contrast, the proportion of children adopted from South/Central American countries has declined since the early 1990s—from 26% of all intercountry adoptions in 1992-93 to less than 1% in 2010-11 (Figure 4.5). This is largely due to a 98% decrease in the number of children adopted from Colombia between 1995-96 and 2010-11—reflecting efforts by this country in recent years to give local adoption a higher priority (AIHW 2004; Table A10).

Adoptions from Romania were responsible for the increase in adoptions from 'other' countries between 1998-99 and 2000-01. However, shortly after this period Australia's program with Romania closed (AIHW 2009; AGD 2011b).

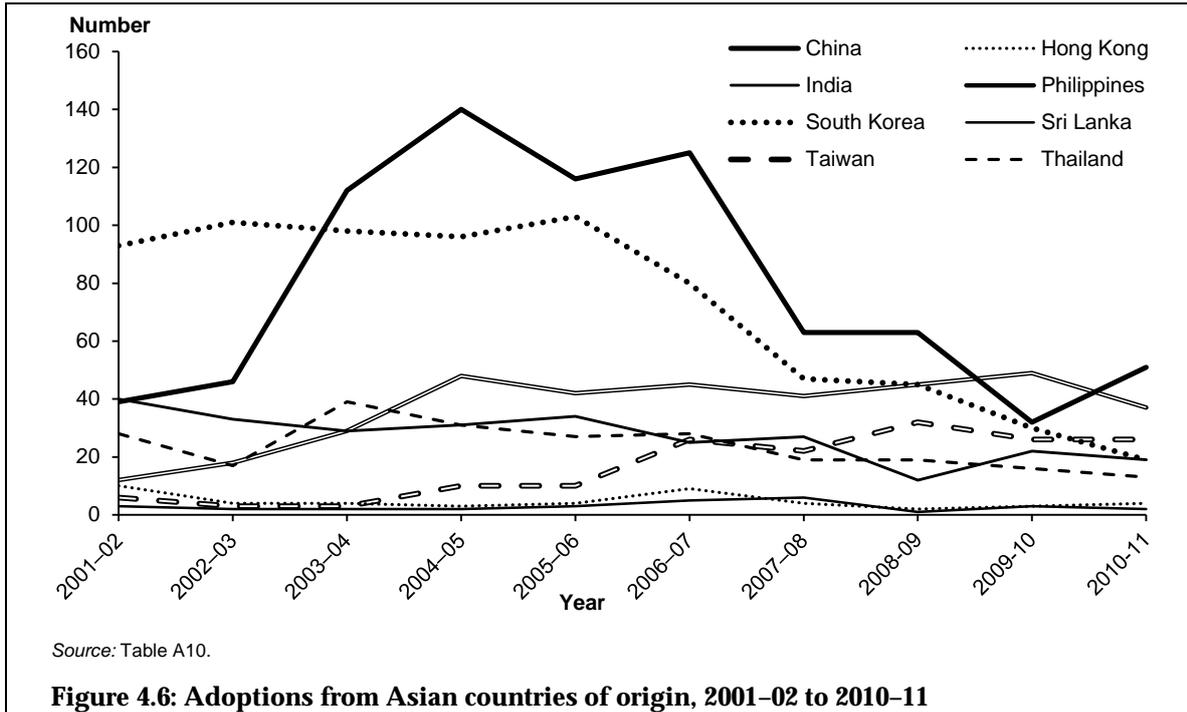


Asian countries of origin

There have also been some notable changes among the Asian countries of origin since the early 1990s. South Korea was the leading country of origin between 1991-92 and 2002-03. However, after Australia signed a bilateral agreement with China in 1999, the number of children adopted from there increased from 15 in 2000-01 to 125 in 2006-07 (AIHW 2010b). With the exception of 2009-10, China has been the leading country of origin since 2003-04. However, like South Korea, China has recently introduced more stringent regulations for foreign adoptions, and put greater emphasis on local adoption solutions in an effort to find permanent homes for children in its own country. As a result, the number of children adopted from China has declined in recent years. Since 2006-07 it has fallen from 125 to 51—a 59% decrease. During the same period, the number of adoptions from South Korea fell from 80 to 19—a 76% decrease. The 2010-11 reporting period was the first time since the early 1990s that South Korea was not one of the four most common countries of origin (Figure 4.6).

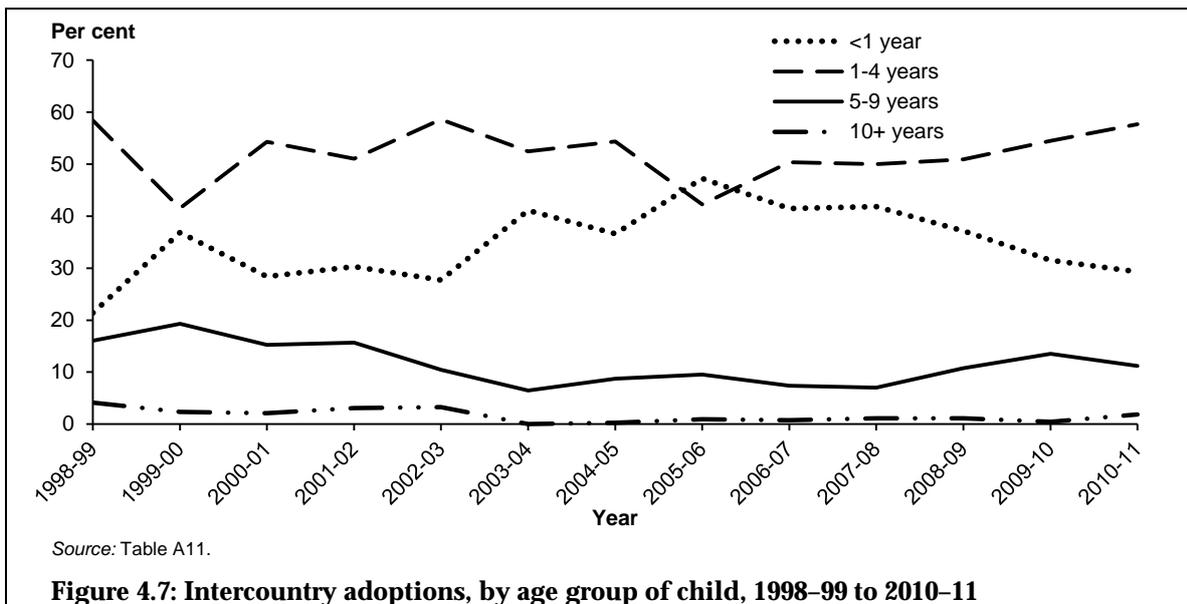
Adoptions from India have fluctuated but generally declined—numbers fell from 40 to 19 between 2001-02 and 2010-11. In contrast, the number of adoptions from the Philippines increased rapidly between 2001-02 and 2004-05 (from 12 to 48, respectively), and remained relatively stable until numbers fell by 24% between 2009-10 and 2010-11. Similarly, the number of adoptions from Taiwan increased from 2002-03 to 2006-07 (from 3 to 26, respectively) before stabilising (Figure 4.6).

Accordingly, the proportion of annual adoptions from Taiwan has increased—doubling from 6% in 2006-07 to 12% in 2010-11. In 2010-11, Taiwan replaced South Korea as one of the top three countries of origin from the Asian region. The proportion of adoptions from the Philippines has also generally increased since 2001-02. In contrast, the proportion of adoptions from Hong Kong, Sri Lanka and Thailand has remained relatively stable since the early 2000s (Table A10).



Infants

The proportion of infants under 12 months adopted from overseas has been declining since 2005-06 (Figure 4.7). A number of factors contribute to this trend. For example, the number of infants in need of intercountry adoption can be affected by improvements in overseas domestic adoption practices and the degree of acceptance of single motherhood in countries of origin. Further, falling fertility rates in key countries of origin, such as South Korea, are likely to affect the number of infants in need of intercountry adoption (AGD 2009b; Selman 2009).



4.2 Adoption of Aboriginal and Torres Strait Islander children

The Aboriginal Child Placement Principle outlines a preference for the placement of Aboriginal and Torres Strait Islander children with Indigenous people when the children are placed outside their family (Lock 1997). This preference is applied in adoption cases where such a placement is in the best interest of the child. The Principle has the following order of preference for the placement of Aboriginal or Torres Strait Islander children: with the child's extended family; within the child's Indigenous community; and with other Indigenous people.

Where these options are not available or appropriate, Indigenous children may be adopted by other families. All states and territories have adopted the Aboriginal Child Placement Principle in policy and practice. In Western Australia and Victoria, legislation permits the birth parents to specify the type of adoptive family they would like for their child.

The number of Aboriginal and Torres Strait Islander children who are adopted each year is small. In 2010–11, there was a single adoption of an Aboriginal and Torres Strait Islander child in Australia. The adoption was a 'known' child adoption by non-Indigenous parents. Due to the small number of these adoptions each year, it is difficult to identify trends in the number of adoptions of Aboriginal and Torres Strait Islander children. Between 1996–97 and 2010–11, 60% of the Aboriginal and Torres Strait Islander children who were adopted by parents who identified as Indigenous Australians (Table 4.2).

Table 4.2: Number of Indigenous children adopted, by Indigenous status of adoptive parent(s), 1996–97 to 2010–11

Year	Indigenous status of adoptive parent(s)		Total
	Indigenous Australian	Other Australian	
1996–97	5	2	7
1997–98	3	1	4
1998–99	—	3	3
1999–00	2	—	2
2000–01	3	1	4
2001–02	1	5	6
2002–03	—	2	2
2003–04	—	1	1
2004–05	2	2	4
2005–06	3	2	5
2006–07	4	2	6
2007–08	4	—	4
2008–09	5	—	5
2009–10	2	1	3
2010–11	—	1	1

Notes:

1. Adoptive parents are included in the 'Indigenous Australian' category when at least one of the parents identified as Aboriginal or Torres Strait Islander. Where the Indigenous status of both parents was not known, the adoption was included in the 'Other Australian' category.
2. Indigenous status of children and adoptive parent(s) is not always available for adoptions of adults.

Source: AIHW Adoptions Australia data collection.

4.3 Permanent care orders (Victoria only)

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

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

Since 1992–93, the number of permanent care orders granted in Victoria has fluctuated, but generally increased. In 2010–11, there were 189 orders granted; a 5% decrease from the 199 granted in 2009–10 but a substantial increase on the 11 issued in 1992–93 (Table 4.3). A total of 2,874 permanent care orders have been granted by the Department of Human Services in Victoria since their inception in 1992.

Table 4.3: Number of permanent care orders granted in Victoria, 1992–93 to 2010–11

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

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

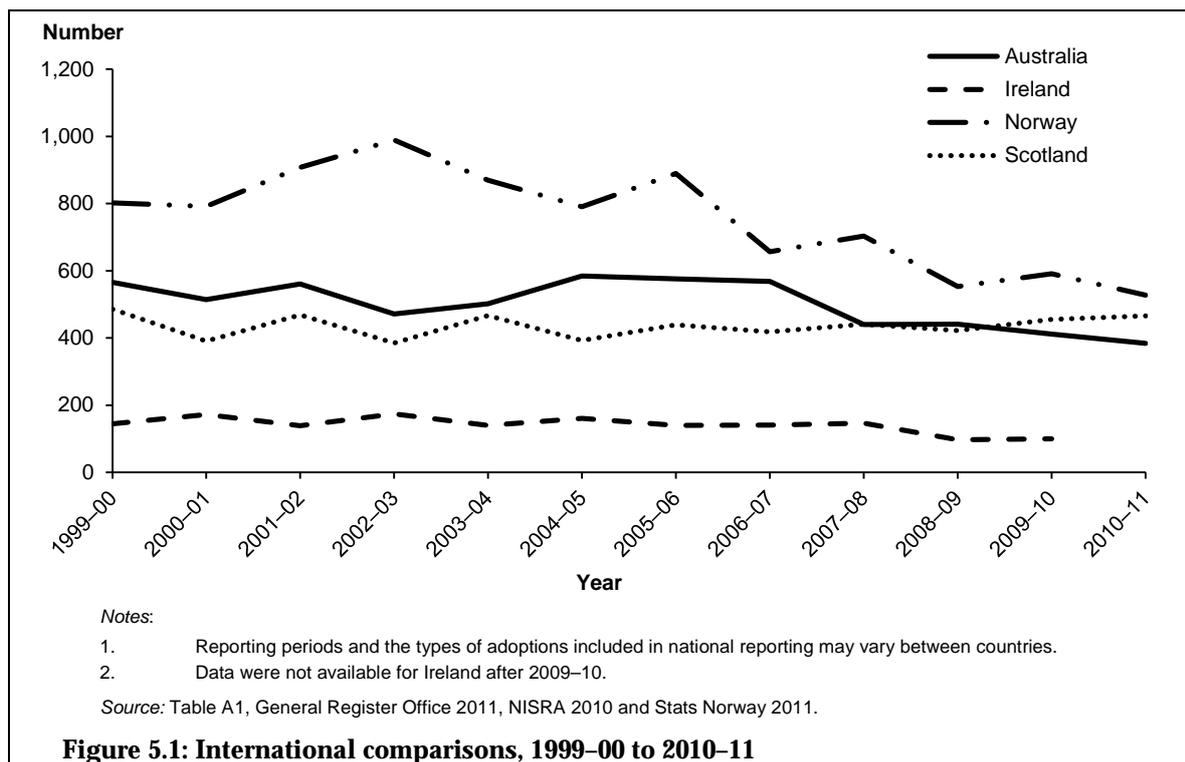
Source: Victorian Government Department of Human Services.

5 International comparisons

The overall patterns and trends in adoptions in Australia show some similarities to, but also some differences from, those in other developed countries for which data are readily available. However, it is important to note that adoption legislation and practice may differ across countries (and even within countries), meaning caution should be used when making comparisons. Further, due to the availability international data, not all of the data below are for the 2010–11 period.

As in Australia, the annual number of adoptions has been falling in England and Wales — the annual number of adoptions fell by 71% between 1974 and 1990, from 22,502 to 6,533 (National Statistics 2011). Australia experienced a similar level of decline (83%) during this period (Table A1). The number of adoptions has also been falling in Ireland, Scotland and Switzerland; though the decline in these countries has been more gradual (NISRA 2010; General Register Office 2011; Swiss Statistics 2011). In the USA, the number of intercountry adoptions fell substantially (by 52%) between 2004 and 2010 (US DoS 2011). During the same period, Australian intercountry adoptions fell by 40% (Table A9). In contrast, the annual number of intercountry adoptions in Canada increased by 8% between 2004 and 2009 (Hilborn 2010).

Despite Australia having about four to five times the population of each of Ireland, Scotland and Norway, the number of annual adoptions in Australia is not necessarily larger. Since the early 1990s the number of annual adoptions in Scotland and Australia has been similar (General Register Office 2011; Figure 5.1). In Norway, the number of adoptions has fluctuated since the mid-1980s with a slight decline occurring after 2007. With Australian numbers steadily declining, the number of adoptions each year has been higher in Norway than in Australia since the mid-1990s (Stats Norway 2011; Figure 5.1). In contrast, Australian adoption numbers have consistently been much higher than the number of annual adoptions in Ireland. For example, Ireland recorded 100 adoptions in 2009, while Australia had 441 during 2008–09 (NISRA 2010; Figure 5.1).



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

In a longitudinal study of 22 countries of destination, Selman (2009) estimated that the global number of intercountry adoptions grew by around 18% between 1998 and 2007, with a global peak of 45,288 in 2004. The largest increases occurred in Spain and Italy. Over this period, the number of children adopted from some key countries of origin declined (such as China, South Korea and Russia), while numbers from other countries increased (particularly Guatemala, Ethiopia and Vietnam) (Selman 2009). However, a recent study of global trends in intercountry adoption indicates that since the peak in 2004 numbers have been declining—falling 34% between 2005 and 2009 (Selman 2010).

The proportion of national adoptions that are intercountry adoptions in Australia (56% in 2010-11) is lower than in Norway (65% in 2010), Ireland (66% in 2008) and Switzerland (67% in 2010) but much higher than in New Zealand (9% in 2009) (Stats Norway 2011; Adoption Authority of Ireland 2009; Swiss Statistics 2011; HCCH 2011a). In 2008-09, Australia was similar to Norway and the USA in that China, South Korea and Ethiopia were among the top four countries of origin (Table A10; HCCH 2011a; US DoS 2011). In Australia and the USA a similar proportion of intercountry adoptions were of children from China (including Hong Kong)—24% in Australia in 2008-09 and 25% in the USA in 2009. In Norway, the proportion of intercountry adoptions from China was slightly higher than in Australia (31% in 2009) (Table A10; HCCH 2011a).

Appendix A Statistical tables

Table A1: Number of children legally adopted, by state and territory, 1973–74 to 2010–11

Year	NSW ^(a)	Vic	Qld ^(b)	WA	SA	Tas	ACT ^(b)	NT	Australia
1973–74	1,936	1,557	1,458	783	558	268	120	25	6,705
1974–75	1,799	1,168	1,394	528	551	243	123	33	5,839
1975–76	1,449	1,032	1,112	531	549	211	87	19	4,990
1976–77	1,770	908	1,014	497	658	185	82	74	5,188
1977–78	1,068	951	660	417	506	164	55	46	3,867
1978–79	1,020	956	563	380	415	173	56	40	3,603
1979–80	853	914	450	387	475	148	85	25	3,337
1980–81	794	711	454	305	505	140	74	35	3,018
1981–82	855	753	467	261	396	119	81	39	2,971
1982–83	926	692	555	270	424	117	59	29	3,072
1983–84	698	686	517	250	438	87	51	43	2,770
1984–85	623	631	331	293	222	97	74	23	2,294
1985–86 ^(c)	n.a.	n.a.	359	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.
1986–87 ^(c)	n.a.	n.a.	334	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.
1987–88	280	114	309	191	416	120	36	28	1,494
1988–89	335	288	353	147	221	85	47	25	1,501
1989–90	360	212	278	128	174	71	50	21	1,294
1990–91	329	258	210	136	103	61	25	20	1,142
1991–92	310	185	232	120	112	58	23	12	1,052
1992–93	209	101	222	87	111	23	20	10	783
1993–94	188	112	206	85	106	37	21	9	764
1994–95	260	145	179	127	108	12	18	6	855
1995–96	204	131	170	75	48	17	19	4	668
1996–97	263	123	129	56	79	30	26	3	709
1997–98	200	114	111	69	48	19	15	1	577
1998–99	185	102	94	64	53	25	16	6	543
1999–00	154	122	105	79	59	19	24	4	566
2000–01	166	98	62	74	53	24	27	10	514
2001–02	207	110	49	79	62	20	23	11	561
2002–03	122	82	67	76	72	21	25	7	472
2003–04	115	120	65	59	79	26	33	5	502
2004–05	154	161	84	49	77	23	20	17	585
2005–06	149	131	82	62	72	35	30	15	576
2006–07	164	127	91	65	62	26	22	11	568
2007–08	125	98	86	41	36	31	14	9	440
2008–09	155	71	92	43	35	23	13	9	441
2009–10	157	81	68	50	26	9	16	5	412
2010–11 ^(d)	165	86	40	37	30	14	11	1	384

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

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

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

(d) Interim adoption orders made by the Children Court in Queensland are not captured in this data set. Under the Adoption Act 2009 which commenced 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 impacted on final adoption orders made in Queensland in the 2010-11 period.

Source: AIHW Adoptions Australia data collection.

Table A2: Placement adoptions—number of children who were placed for adoption, regardless of whether the adoption order was finalised, 2010–11

Type of adoption	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Australia
Local placement	9	21	7	5	1	1	1	1	46
Intercountry placement									
Hague adoption	30	22	23	6	18	2	2	—	103
Non-Hague adoption	15	14	11	2	8	2	1	8	61
Total	54	57	41	13	27	5	4	9	210

Note: This table includes children placed with their adoptive families before their adoption order was finalised. Some children placed for adoption during this period may not have their adoption finalised until the following year. In addition, some adoption orders finalised in 2010–11 may relate to children who were placed in the previous year. Therefore, numbers do not add to the total adoptions recorded during 2010–11 (384).

Source: AIHW Adoptions Australia data collection.

Table A3: Adoptions, by type of adoption, by age group and sex of child, 2010–11

Age group (years)	Intercountry adoptions			Local adoptions			'Known' child adoptions			Total		
	M	F	P	M	F	P	M	F	P	M	F	P
	Number											
Under 1	34	29	63	10	7	17	—	—	—	44	36	80
1	29	43	72	14	6	20	—	—	—	43	49	92
2–4	32	20	52	5	1	6	3	5	8	40	26	66
5–9	10	14	24	—	1	1	18	11	29	28	26	54
10–14	1	3	4	1	—	1	28	21	49	30	24	54
15–17	—	—	—	—	—	—	5	7	12	5	7	12
18+	—	—	—	—	—	—	13	13	26	13	13	26
Total	106	109	215	30	15	45	67	57	124	203	181	384
	Per cent											
Under 1	32.1	26.6	29.3	33.3	46.7	37.8	—	—	—	21.7	19.9	20.8
1	27.4	39.4	33.5	46.7	40.0	44.4	—	—	—	21.2	27.1	24.0
2–4	30.2	18.3	24.2	16.7	6.7	13.3	4.5	8.8	6.5	19.7	14.4	17.2
5–9	9.4	12.8	11.2	—	6.7	2.2	26.9	19.3	23.4	13.8	14.4	14.1
10–14	0.9	2.8	1.9	3.3	—	2.2	41.8	36.8	39.5	14.8	13.3	14.1
15–17	—	—	—	—	—	—	7.5	12.3	9.7	2.5	3.9	3.1
18+	—	—	—	—	—	—	19.4	22.8	21.0	6.4	7.2	6.8
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

M = males, F = females, P = persons

Notes:

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

Source: AIHW Adoptions Australia data collection.

Table A4: Adoptions in Australia, by type of adoption, 1984–85 to 2010–11

Year	Children adopted from Australia		Children adopted from overseas		Total ^(a)	
	Number	Per cent	Number	Per cent	Number	Per cent
1984–85	2,045	89.1	235	10.2	2,294	100.0
1985–86	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.
1986–87	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.
1987–88	1,183	79.2	308 ^(b)	20.6	1,494	100.0
1988–89	1,106	73.7	394	26.2	1,501	100.0
1989–90	874	67.5	420	32.5	1,294	100.0
1990–91	749	65.6	393	34.4	1,142	100.0
1991–92	713	67.8	338	32.1	1,052	100.0
1992–93	556	71.0	227	29.0	783	100.0
1993–94	542	70.9	222	29.1	764	100.0
1994–95	631	73.8	224	26.2	855	100.0
1995–96	394	59.0	274	41.0	668	100.0
1996–97	440	62.1	269	37.9	709	100.0
1997–98	332	57.5	245	42.5	577	100.0
1998–99	299	55.1	244	44.9	543	100.0
1999–00	265	46.8	301	53.2	566	100.0
2000–01	225	43.8	289	56.2	514	100.0
2001–02	267	47.6	294	52.4	561	100.0
2002–03	194	41.1	278	58.9	472	100.0
2003–04	132	26.3	370	73.7	502	100.0
2004–05	151	25.8	434	74.2	585	100.0
2005–06	155	26.9	421	73.1	576	100.0
2006–07	163	28.7	405	71.3	568	100.0
2007–08	170	38.6	270	61.4	440	100.0
2008–09	172	39.0	269	61.0	441	100.0
2009–10	190	46.0	222	54.0	412	100.0
2010–11	169	44.0	215	56.0	384	100.0

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

(b) Excludes Victoria for which data were not available in 1987–88.

Notes:

1. National data were not collected in 1985–86 and 1986–87.

2. NSW was unable to provide data on adoptions by step-parents from 1987–88 to 1993–94.

Sources: AIHW Adoptions Australia data collection.

Table A5: Number of local adoptions, by state and territory, 1998–99 to 2010–11

Year	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Australia
1998–99	50	30	22	6	6	11	1	1	127
1999–00	31	34	24	10	3	2	2	—	106
2000–01	28	28	9	6	5	5	2	2	85
2001–02	54	22	10	13	3	2	3	—	107
2002–03	22	20	23	6	3	3	1	—	78
2003–04	24	23	14	3	6	1	2	—	73
2004–05	24	16	13	4	2	2	3	1	65
2005–06	23	17	8	9	—	2	1	—	60
2006–07	12	18	12	8	5	3	1	—	59
2007–08	15	27	17	3	1	3	3	1	70
2008–09	20	18	20	7	1	1	1	—	68
2009–10	13	18	10	12	2	2	2	2	61
2010–11 ^(a)	14	23	1	4	2	—	1	—	45

(a) Interim adoption orders made by the Children Court in Queensland are not captured in this data set. Under the Adoption Act 2009 which commenced 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 impacted on final adoption orders made in Queensland in the 2010-11 period.

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

Source: AIHW Adoptions Australia data collection.

Table A6: Number of 'known' child adoptions, 1998–99 to 2010–11

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

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

Source: AIHW Adoptions Australia data collection.

Table A7: Adoptions of Australian children, by relationship to adoptive parent(s), 1983–84 to 2010–11

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

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

Notes:

1. The total number of adoptions in 2010–11 (384) includes the sum of local adoptions (45) and known adoptions (124).
2. 'Relatives' includes step-parents, other relatives such as grandparents, aunts and uncles and commissioning (surrogate) parents. 'Non-relatives' includes foster carers and other non-relatives.
3. National data were not collected in 1985–86 and 1986–87.
4. NSW was unable to provide data on adoptions by step-parents from 1987–88 to 1993–94.

Sources: AIHW Adoptions Australia data collection.

Table A8: Intercountry adoptions, by child's region of origin, 1990–91 to 2010–11

	Asia		South/Central America		Africa		Other		Total	
	Number	Per cent	Number	Per cent	Number	Per cent	Number	Per cent	Number	Per cent
1990–91	344	87.5	32	8.1	2	0.5	15	3.8	393	100.0
1991–92	269	79.6	41	12.1	3	0.9	25	7.4	338	100.0
1992–93	158	69.6	58	25.6	1	0.4	10	4.4	227	100.0
1993–94	171	77.0	38	17.1	3	1.4	10	4.5	222	100.0
1994–95	171	76.3	35	15.6	2	0.9	16	7.1	224	100.0
1995–96	191	69.7	62	22.6	6	2.2	15	5.5	274	100.0
1996–97	197	73.2	38	14.1	16	5.9	18	6.7	269	100.0
1997–98	154	62.9	29	11.8	37	15.1	25	10.2	245	100.0
1998–99	157	64.3	20	8.2	34	13.9	33	13.5	244	100.0
1999–00	186	61.8	24	8.0	46	15.3	45	15.0	301	100.0
2000–01	197	68.2	27	9.3	37	12.8	28	9.7	289	100.0
2001–02	231	78.6	18	6.1	37	12.6	8	2.7	294	100.0
2002–03	224	80.6	12	4.3	40	14.4	2	0.7	278	100.0
2003–04	316	85.4	7	1.9	45	12.2	2	0.5	370	100.0
2004–05	363	83.6	5	1.2	59	13.6	7	1.6	434	100.0
2005–06	339	80.5	11	2.6	70	16.6	1	0.2	421	100.0
2006–07	343	84.7	8	2.0	47	11.6	7	1.7	405	100.0
2007–08	229	84.8	5	1.9	36	13.3	—	—	270	100.0
2008–09	219	81.4	9	3.3	38	14.1	3	1.1	269	100.0
2009–10	181	81.5	5	2.3	33	14.9	3	1.3	222	100.0
2010–11	171	79.5	1	0.5	40	18.6	3	1.4	215	100.0

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

Source: AIHW Adoptions Australia data collection.

Table A9: Number of intercountry adoptions, by state and territory, 1990–91 to 2010–11

Year	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Australia
1990–91	162	105	25	22	43	16	16	4	393
1991–92	145	67	27	24	50	13	10	2	338
1992–93	95	37	19	14	40	9	9	4	227
1993–94	89	30	26	16	34	14	10	3	222
1994–95	85	59	21	9	35	2	9	4	224
1995–96	105	57	37	29	29	9	4	4	274
1996–97	81	56	41	13	49	15	12	2	269
1997–98	69	64	43	14	37	8	10	—	245
1998–99	57	59	36	20	45	12	11	4	244
1999–00	55	76	60	26	56	13	11	4	301
2000–01	85	60	40	20	44	14	18	8	289
2001–02	71	74	33	29	54	16	9	8	294
2002–03	61	59	29	24	68	15	15	7	278
2003–04	66	86	49	44	72	22	26	5	370
2004–05	88	132	65	29	74	18	12	16	434
2005–06	93	104	61	36	69	26	20	12	421
2006–07	112	95	63	40	56	11	18	10	405
2007–08	73	66	47	17	32	23	5	7	270
2008–09	93	48	49	14	34	17	6	8	269
2009–10	78	54	38	18	21	6	6	1	222
2010–11	70	56	35	8	26	12	7	1	215

Notes:

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

Source: AIHW Adoptions Australia data collection.

Table A10: Intercountry adoptions, by country of origin, 2001–02 to 2010–11

Country of birth	2001–02	2002–03	2003–04	2004–05	2005–06	2006–07	2007–08	2008–09	2009–10	2010–11	Total
Number											
China ^(a)	39	46	112	140	116	125	63	63	32	51	787
Colombia	9	7	7	3	9	5	3	8	5	1	57
Ethiopia	36	39	45	59	70	47	35	38	33	40	442
Hong Kong ^(b)	10	4	4	3	4	9	4	2	3	4	47
India	40	33	29	31	34	25	27	12	22	19	272
Philippines	12	18	29	48	42	45	41	45	49	37	366
South Korea	93	101	98	96	103	80	47	45	30	19	712
Sri Lanka	3	2	2	2	3	5	6	1	3	2	29
Taiwan	6	3	3	10	10	26	22	32	26	26	164
Thailand	28	17	39	31	27	28	19	19	16	13	237
Other ^(c)	18	8	2	11	3	10	3	4	3	3	34
Total	294	278	370	434	421	405	270	269	222	215	3,178
Per cent											
China ^(a)	13.3	16.5	30.3	32.3	27.6	30.9	23.3	23.4	14.4	23.7	24.8
Colombia	3.1	2.5	1.9	0.7	2.1	1.2	1.1	3.0	2.3	0.5	1.8
Ethiopia	12.2	14.0	12.2	13.6	16.6	11.6	13.0	14.1	14.9	18.6	13.9
Hong Kong ^(b)	3.4	1.4	1.1	0.7	1.0	2.2	1.5	0.7	1.4	1.9	1.5
India	13.6	11.9	7.8	7.1	8.1	6.2	10.0	4.5	9.9	8.8	8.6
Philippines	4.1	6.5	7.8	11.1	10.0	11.1	15.2	16.7	22.1	17.2	11.5
South Korea	31.6	36.3	26.5	22.1	24.5	19.8	17.4	16.7	13.5	8.8	22.4
Sri Lanka	1.0	0.7	0.5	0.5	0.7	1.2	2.2	0.4	1.4	0.9	0.9
Taiwan	2.0	1.1	0.8	2.3	2.4	6.4	8.1	11.9	11.7	12.1	5.2
Thailand	9.5	6.1	10.5	7.1	6.4	6.9	7.0	7.1	7.2	6.0	7.5
Other ^(c)	6.1	2.9	0.5	2.5	0.7	2.5	1.1	1.5	1.4	1.4	2.0
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) Special Administrative Region of China.

(c) 'Other' includes: Azerbaijan, Bolivia, Bulgaria, Burkina Faso, Burundi, Chile, Croatia, Fiji, Guatemala, Italy, Lebanon, Lithuania, Nicaragua, Peru, Poland, Tonga, Turkey, Uganda, United Kingdom and United States of America.

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

Source: AIHW Adoptions Australia data collection.

Table A11: Number of intercountry adoptions, by age, 1998–99 to 2010–11

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

M = males, F = females, P = persons

Source: AIHW Adoptions Australia data collection.

Table A12: Intercountry adoptions, by type of adoption, age group and sex of child, 2010–11

Age group (years)	Hague adoption			Non-Hague adoption			Total
	Males	Females	Persons	Males	Females	Persons	
	Number						
Under 1	6	12	18	28	17	45	63
1–4	45	51	96	16	12	28	124
5–9	6	7	13	4	7	11	24
10–14	—	1	1	1	2	3	4
15–17	—	—	—	—	—	—	—
18+	—	—	—	—	—	—	—
Total	57	71	128	49	38	87	215
	Per cent						
Under 1	10.5	16.9	14.1	57.1	44.7	51.7	29.3
1–4	78.9	71.8	75.0	32.7	31.6	32.2	57.7
5–9	10.5	9.9	10.2	8.2	18.4	12.6	11.2
10–14	—	1.4	0.8	2.0	5.3	3.4	1.9
15–17	—	—	—	—	—	—	—
18+	—	—	—	—	—	—	—
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0

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

Source: AIHW Adoptions Australia data collection.

Table A13: Local and intercountry adoptions, by sibling groups, 2010–11

Type of adoption	Number of sibling groups	Children adopted in sibling groups	
		Number	Proportion of adoption type (%)
Local adoption	—	—	—
Intercountry adoptions			
Hague adoption	5	13	10.2
Non-Hague adoption	10	22	25.3
<i>Total intercountry adoptions</i>	<i>15</i>	<i>35</i>	<i>16.3</i>
Total local and intercountry adoptions	15	35	13.5

Source: AIHW Adoptions Australia data collection.

Table A14: Number of intercountry adoptions from Hague countries, by type of order under which the child entered Australia, 2010–11

Country of origin	Full adoption order in country of origin	Guardianship order	Total
Bulgaria	—	1	1
Bolivia	1	—	1
China ^(a)	51	—	51
Colombia	1	—	1
Hong Kong ^(b)	—	2	2
India	1	18	19
Lithuania	—	—	—
Philippines	—	37	37
Sri Lanka	2	—	2
Thailand	—	13	13
Turkey	—	1	1
Total Hague intercountry adoptions	56	72	128
Proportion of total (%)	44.0	56.0	100.0

(a) Excludes Special Administrative Regions and Taiwan Province.

(b) Special Administrative Region of China.

Source: AIHW Adoptions Australia data collection.

Table A15: Number of local and intercountry adoptions, by age of the adoptive parent(s), 2010–11

	Age group (years)								Total
	Under 25	25–29	30–34	35–39	40–44	45–49	50–54	55+	
Adoptive mother									
Local adoptions	—	2	8	12	19	2	1	0	44
Intercountry adoptions									
Hague adoption	—	—	7	20	35	48	16	2	128
Non-Hague adoption	—	1	11	33	25	16	1	0	87
<i>Total intercountry</i>	—	1	18	53	60	64	17	2	215
Total local and intercountry adoptions	—	3	26	65	79	66	18	2	259
Adoptive father									
Local adoptions	—	1	9	10	16	5	0	2	43
Intercountry adoptions									
Hague adoption	—	—	5	21	37	30	20	12	125
Non-Hague adoption	—	—	9	29	31	9	1	0	79
<i>Total intercountry</i>	—	—	14	50	68	39	21	12	204
Total local and intercountry adoptions	—	1	23	60	84	44	21	14	247

Note: In 2010–11, there were a total of 260 local and intercountry adoptions (45 local and 215 intercountry). The total for mothers and fathers does not add to the total number of local and intercountry adoptions (260) because 14 adoptive parents were single.

Source: AIHW Adoptions Australia data collection.

Table A16: Number of adoption visas (subclass 102) issued during 2010–11

Country of birth	Adoptions arranged by Australian state/ territory authority	Adoptions arranged by overseas agency/authority	Total
China	50	13	63
Philippines	27	4	31
South Korea	27	2	29
Taiwan	24	—	24
Thailand	19	2	21
Ethiopia	7	8	15
Hong Kong	5	7	12
Cambodia	—	10	10
India	6	3	9
Papua New Guinea	—	7	7
United Kingdom	—	7	7
Vanuatu	—	7	7
Indonesia	—	5	5
Singapore	—	5	5
South Africa	—	4	4
United States of America	—	4	4
Pakistan	—	3	3
Russian Federation	—	3	3
Chile	2	—	2
Timor-Leste	—	2	2
Fiji	—	2	2
Ghana	—	2	2
Malaysia	—	2	2
Vietnam	—	2	2
Armenia	—	1	1
Burma	—	1	1
Canada	—	1	1
Colombia	1	—	1
Congo	—	1	1
Eritrea	—	1	1
France	—	1	1
Japan	—	1	1
Kenya	—	1	1
Laos	—	1	1
Lithuania	—	1	1
Mexico	—	1	1
Peru	—	1	1
Rwanda	—	1	1
Sri Lanka	1	—	1
Sweden	—	1	1
Zambia	—	1	1
Total	169	119	288

- (a) Excludes Special Administrative Regions and Taiwan Province.
(b) Special Administrative Region of China.
(c) Includes England, Northern Ireland, Isle of Man, Scotland and Wales.

Note: This table relates to visas (subclass 102) that were issued during the financial year 2010–11. Not all children who enter Australia will have their adoption finalised in the same year that their visa was issued, hence the total number of adoption visas issued will not match the number of finalised intercountry adoptions (215). Only the persons recorded by the DIAC are included in this table.

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

Table A17: Local adoptions, by median age of birth mother, 1998–99 to 2010–11

Year	Median age of birth mother
1998–99	24.0
1999–00	23.0
2000–01	24.0
2001–02	24.0
2002–03	21.0
2003–04	23.0
2004–05	23.0
2005–06	26.5
2006–07	24.0
2007–08	24.0
2008–09	22.0
2009–10	21.5
2010–11	21.0

Source: AIHW Adoptions Australia data collection.

Table A18: Local adoptions, by marital status and age group of birth mother, 2010–11

Age group (years)	Married		Unmarried ^(a)		Total	
	Number	Per cent	Number	Per cent	Number	Per cent
Under 20	1	20.0	10	25.0	11	24.4
20–24	1	20.0	15	37.5	16	35.6
25–29	2	40.0	8	20.0	10	22.2
30–34	—	—	2	5.0	2	4.4
35–39	1	20.0	3	7.5	4	8.9
40–44	—	—	—	—	—	—
45+	—	—	—	—	—	—
Unknown	—	—	2	5.0	2	4.4
Total	5	100.0	40	100.0	45	100.0

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

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

Source: AIHW Adoptions Australia data collection.

Table A19: Local adoptions, by marital status of birth mother, 1998–99 to 2010–11

Year	Married ^(a)		Unmarried ^(a)		Unknown	Total
	Number	Per cent	Number	Per cent	Number	
1998–99	14	12.0	103	88.0	10	127
1999–00	10	12.5	70	87.5	26	106
2000–01	14	19.4	58	80.6	16	88
2001–02	7	7.4	87	92.6	13	107
2002–03	5	6.7	70	93.3	3	78
2003–04	6	8.5	65	91.5	2	73
2004–05	6	9.2	59	90.8	—	65
2005–06	7	11.9	52	88.1	1	60
2006–07	8	13.8	50	86.2	1	59
2007–08	22 ^(b)	31.4	48	68.6	—	70
2008–09	4	6.0	63	94.0	1	68
2009–10	5 ^(b)	8.9	56	91.8	—	61
2010–11	5 ^(b)	11.1	40	88.9	—	45

(a) 'Married' includes couples in a registered marriage. 'Unmarried' includes couples in a de facto marriage and lone mothers. Refer to the Glossary for category descriptions.

(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 limits the amount of trend data available for 'local' adoptions (see Section 2.1).

Source: AIHW Adoptions Australia data collection.

Table A20: Proportion of local adoptions, by type of agreement, 1998–99 to 2010–11 (per cent)

Year	No contact or information exchange	Some contact and/or information exchange
1998–99	9.7	90.3
1999–00	8.1	91.9
2000–01	6.9	93.1
2001–02	6.3	93.7
2002–03	16.2	83.8
2003–04	6.8	93.2
2004–05	8.1	91.9
2005–06	5.0	95.0
2006–07	11.9	88.1
2007–08	22.9	77.1
2008–09	33.9	66.1
2009–10	8.3	91.7
2010–11	15.6	84.4

Source: AIHW Adoptions Australia data collection.

Table A21: Local adoptions, by type of arranging body, 2010–11

Arranging body	Number	Per cent
Government department	25	55.6
Non-government agency	20	44.4
Total	45	100.0

Source: AIHW Adoptions Australia data collection.

Table A22: 'Known' child adoptions, by relationship to adoptive parent(s), 1998–99 to 2010–11

Year	Step-parent	Relative ^(a)	Carer	Other	Total
	Number				
1998–99	116	8	48	..	172
1999–00	114	2	43	..	159
2000–01	98	1	29	..	140 ^(b)
2001–02	103	5	52	..	160
2002–03	72	2	29	..	103 ^(c)
2003–04	31	3	25	..	59
2004–05	52	5	29	..	86
2005–06	69	5	21	..	95
2006–07	79	3	22	..	104
2007–08	67	4	26	3	100
2008–09	66	—	35	3	104
2009–10	74	—	53	2	129
2010–11	73	1	49	1	124
	Per cent^(d)				
1998–99	67.4	4.7	27.9	..	100.0
1999–00	71.7	1.3	27.0	..	100.0
2000–01	76.6	0.8	22.7	..	100.0
2001–02	64.4	3.1	32.5	..	100.0
2002–03	69.9	1.9	28.2	..	100.0
2003–04	52.5	5.1	42.4	..	100.0
2004–05	60.5	5.8	33.7	..	100.0
2005–06	72.6	5.3	22.1	..	100.0
2006–07	76.0	2.9	21.2	..	100.0
2007–08	67.0	4.0	26.0	3.0	100.0
2008–09	63.5	—	33.7	2.9	100.0
2009–10	57.4	—	41.1	1.6	100.0
2010–11	58.9	0.8	39.5	0.8	100.0

(a) Includes relatives other than step-parents.

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

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

(d) Percentages exclude children where relationship with adoptive parent(s) was unknown.

Notes:

- Changes to the categories of adoption introduced in 1998–99 limits the amount of trend data available for 'known' child adoptions (see Section 2.1).
- The 'Other' category was added in 2007–08. Before this, children adopted by commissioning (surrogate) parents were included in the 'Relative' category.
- Refer to the Glossary for definitions of the adoption categories.
- Percentages may not add to 100 due to rounding.

Source: AIHW Adoptions Australia data collection.

Table A23: 'Known' child adoptions, by relationship to adoptive parents age group and sex of child, 2010–11

Age (years)	Step-parent			Relative ^(a)			Carer			Other			Total		
	M	F	P	M	F	P	M	F	P	M	F	P	M	F	P
Number															
Under 1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
1–4	—	—	—	—	—	—	3	4	7	—	1	1	3	5	8
5–9	7	5	12	—	—	—	11	6	17	—	—	—	18	11	29
10–14	18	12	30	—	1	1	10	8	18	—	—	—	28	21	49
15–17	4	5	9	—	—	—	1	2	3	—	—	—	5	7	12
18+	12	10	22	—	—	—	1	3	4	—	—	—	13	13	26
Total	41	32	73	—	1	1	26	23	49	—	1	1	67	57	124
Per cent															
Under 1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
1–4	—	—	—	—	—	—	11.5	17.4	14.3	—	100.0	100.0	4.5	8.8	6.5
5–9	17.1	15.6	16.4	—	—	—	42.3	26.1	34.7	—	—	—	26.9	19.3	23.4
10–14	43.9	37.5	41.1	—	100.0	100.0	38.5	34.8	36.7	—	—	—	41.8	36.8	39.5
15–17	9.8	15.6	12.3	—	—	—	3.8	8.7	6.1	—	—	—	7.5	12.3	9.7
18+	29.3	31.3	30.1	—	—	—	3.8	13.0	8.2	—	—	—	19.4	22.8	21.0
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	100.0	100.0

M = males, F = females, P = persons

(a) Includes relatives other than step-parents.

Notes:

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

Source: AIHW Adoptions Australia data collection.

Table A24: Number of information applications and vetoes lodged, 1992–93 to 2010–11

Year	Applications for access to information lodged	Contact and information vetoes lodged
1992–93	6,167	286
1993–94	6,135	359
1994–95	6,252	584
1995–96	5,567	426
1996–97	4,455	259
1997–98	4,324	174
1998–99	5,430	174
1999–00	5,008	146
2000–01	4,304	113
2001–02	4,159	88
2002–03	3,744	137
2003–04	3,407	63
2004–05	3,414	56
2005–06	3,038	58
2006–07	2,851	80
2007–08	2,832	140
2008–09	3,607	52
2009–10	2,893	74
2010–11	2,951	108

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

Source: AIHW Adoptions Australia data collection.

Appendix B Legislation

B.1 Summary of legislation

Commonwealth

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

Family Law Act 1975

Family Law (Hague Convention on Intercountry Adoption) Regulations 1998

Family Law (Bilateral Arrangements—Intercountry Adoption) Regulations 1998

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

Immigration (Guardianship of Children) Act 1946

Migration Act 1958

Migration Regulations 1994

Australian Citizenship Act 2007

New South Wales

Adoption Act 2000

Adoption Regulation 2003

Adoption Amendment Regulation 2009

Adoption Amendment (Access to Information) Regulation 2009

Level of court

Supreme Court of NSW.

Step-parent adoptions

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

Relative adoptions

There is provision for adoptions by relatives. The child must have 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.

Carer adoptions

Children may be adopted by their carers if the parents' consent, if the Supreme Court dispenses with their consent or if the child consents (aged over 12 years and has been with the carers for 2 years), and if adoption is seen to be in the child's best interests and, all alternatives having been considered, adoption is preferable to any other order.

Post adoption information

For adoption orders that occur after 1 January 2010, adopted persons, adoptive parents and birth parents are able to apply for identifying information about one another where an adopted person is under the age of 18. When a birth parent applies for identifying information where the adopted child is under the age of 18, the birth parent must produce a supply authority that has been issued after a risk assessment.

Non-adopted siblings may apply for the same types of information as adopted siblings. Non-adopted siblings under the age of 18 require the consent of his or her parents or the Director-General of the NSW Department of Family and Community Services. Where the adopted child is under the age of 18, non-adopted siblings applying for identifying information must produce a supply authority that has been issued after a risk assessment. When a non-adopted sibling and an adoptee are over the age of 18, non-adopted siblings do not require a supply authority or consent to receive identifying information about an adoptee.

For persons without other entitlements to the Act, Section 140(3) of the *Adoption Act 2000* has been amended. This Section, which applies to all adoptions, enables the Director-General of the NSW Department of Family and Community Services to make adoption information available to persons without other entitlements of the Act, where it would be reasonable to do so. Previously, information could only be obtained under this provision, where there were exceptional circumstances.

Local and intercountry adoptions

Eligibility requirements:

- Applicants for adoption must be resident in NSW, be aged over 21 and may be a single person or a couple who have been living together continuously for 2 years. Gazetted selection criteria apply and are available on the Community Services, NSW Department of Family and Community Services' website at <www.community.nsw.gov.au/html/adoption/adoption.htm>.
- The main consideration for any adoption order being made is that it is in the best interests of the child concerned, in both childhood and later life.
- Arrangements must be made by Community Services, NSW Department of Family and Community Services or an accredited adoption service provider such as CatholicCare, Anglicare Adoption Services or Barnardos Australia.

Adoption of Indigenous children

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

Victoria

Adoption Act 1984

Adoption Regulations 2008

Level of court

Supreme Court and County Court.

Step-parent and other-relative adoptions

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

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

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

Local and intercountry adoptions

Eligibility requirements:

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

Intercountry adoptions are arranged only via the DHS. However, local adoptions may be arranged by the DHS or approved non-government organisations, which are Connections, Anglicare Western, Anglicare Gippsland, CatholicCare, St Lukes Anglicare, and Child and Family Services Ballarat.

Adoption of Indigenous children

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

Queensland

Adoption Act 2009

Adoption Regulation 2009

The Act and its regulations began on 1 February 2010.

Level of court

Children's Court of Queensland.

Step-parent adoptions

Adoption by step-parents can be arranged only through the Queensland Department of Communities (DOC).

Other-relative adoptions

If adoption by a relative is the best option for securing a child's long-term care, the DOC 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

Eligibility requirements:

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

- they are a man and a woman who have been living together as spouses (either married or de facto) continuously for at least 2 years, and are currently living together
- they are both adults who are living in Queensland
- at least one of them is an Australian citizen
- the female partner is not pregnant
- neither partner is undergoing fertility treatment and have 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* (Queensland)
- if they have been an intended parent for a surrogacy arrangement within the meaning of the *Surrogacy Act 2010* (Queensland)—the surrogacy arrangement ended not less than 6 months earlier
- the couple does not have custody* of a child under 12 months of age or a child who has been in their custody for less than 1 year (*does not include children of whom the person is an approved carer).

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

Adoption of Indigenous children

The *Adoption Act 2009* respects Aboriginal tradition and Torres Strait Island custom by not promoting adoption as an appropriate option for the long-term care of an Aboriginal or a Torres Strait Islander child.

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

In addition to the counselling and information the DOC is required to provide to all parents, the DOC must provide the parents of Aboriginal or Torres Strait Islander children with the option of receiving counselling and information about a number of specific issues from an appropriate Aboriginal or Torres Strait Islander person.

The Act includes the Aboriginal and Torres Strait Islander child placement principle, which requires the DOC to give proper consideration to placing the child (in order of priority) with:

- a member of the child's community or language group

- another Aboriginal person or Torres Strait Islander who is compatible with the child community or language group,
- another Aboriginal person or Torres Strait Islander.

The DOC must consult an appropriate Aboriginal or Torres Strait Islander 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 Aboriginal or Torres Strait Islander child is to be adopted by a couple from outside his or her community. The plan must include agreement on how the child might be assisted to develop a cultural identity, including establishing links with the child's cultural heritage generally and with members of the child's community or language group.

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

Western Australia

Adoption Act 1994

Adoption Regulations 1995

Adoption Amendment Act 2003

Level of court

Family Court of Western Australia.

Step-parent adoptions

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

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

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

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

Other-relative adoptions

Adoption by relatives is currently not permitted under the *Adoption Amendment Act 2003*.

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

Carer adoptions

Carer adoptions can occur when it is considered that the best interests of the child are served by the child being adopted by eligible and approved carers. The carers must have had the full-time care of the child for at least 3 consecutive years. The Department for Child Protection must have arranged or approved the placement of the child with the carer and must be satisfied that the child will not return to live with the birth family or extended family. It is required that the birth parents give their consent to the adoption or that there is an order from the Family Court of Western Australia dispensing with consent. Unless dispensed with by the Family Court, an adoption plan is a legal requirement.

Local and intercountry adoptions

All adoptions are arranged through the Department for Child Protection.

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 parents as the first name.

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

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

Adoption of Indigenous children

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

South Australia

Adoption Act 1988

Adoption Regulations 2004

Level of court

Youth Court of South Australia.

Step-parent adoptions

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

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

Other-relative adoptions

There is provision for adoptions by relatives other than step-parents in exceptional circumstances—that is, when there is no other order that will adequately provide for the interests and welfare of the child. Adoption by relatives can be arranged only through the DFC.

Local and intercountry adoptions

Eligibility requirements:

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

Adoptions can be arranged only through the DFC.

Adoption of Indigenous children

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

Tasmania

Adoption Act 1988

Adoption Regulations 2006

Adoption Amendment Act 2007

Level of court

Magistrate sitting alone.

Step-parent adoptions

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

Other-relative adoptions

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

Carer adoptions

A policy has been established regarding children in out-of-home care for whom adoption is considered to be in the child's best interests. The policy provides advice and clarifies the requirements regarding adoption by foster carers. All applications for an adoption order in favour of a foster carer adoption must be made through the DHHS.

Local and intercountry adoptions

Eligibility requirements:

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

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

Adoption of Indigenous children

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

Australian Capital Territory

Adoption Act 1993

Adoption Amendment Act 2009

Level of court

Supreme Court.

Step-parent adoptions

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

Other-relative adoptions

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

Adoption by relatives can be arranged only through the OCYFS.

Local and intercountry adoptions

Eligibility requirements:

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

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

Adoption of Indigenous children

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

Northern Territory

Adoption of Children Act 1994

Adoption of Children Amendment Act 2006

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

Level of court

Local Court

Step-parent adoptions

Other arrangements are sought before an adoption order is considered.

Other-relative adoptions

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

Local and intercountry adoptions

Eligibility requirements:

- a married couple for 2 years or more
- must be no more than 40 years older than the child, or 45 years older than the child if previous children are present in the family.
- a single person in exceptional circumstances.

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

Adoption of Indigenous children

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

B.2 Provisions for 'open' adoptions

New South Wales

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

Victoria

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

Queensland

Under the provisions of the *Adoption Act 2009*, all parties to an adoption have access to non-identifying information. Where an adopted person is under 18, parties to an adoption can access identifying information only if both the adoptive and birth parents are in agreement and provide consent. An adoption plan is compulsory, and must be in place before a final adoption order can be made, where a child's prospective adoptive parents and birth parents wish to have in-person contact after the adoption order is made. The DOC must assist parties negotiate an adoption plan at the time a child's adoption is arranged or after an adoption order has been made, if assistance is requested.

Western Australia

Since the *Adoption Act 1994*, all adoptions are considered open. All parties to an adoption may apply for access to information, which is either 'identifying' or 'non-identifying'. The level of information depends on when the adoption took place, the information recorded at the time and whether the records still exist. The *Adoption Amendment Act 2003* prohibits the placement of any new information vetoes or contact vetoes on adoptions since that date and existing information vetoes ceased to be effective from 1 June 2005.

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

South Australia

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

Tasmania

Under the *Adoption Act 1988*, 'open' adoptions are possible between parties to the adoption. The Adoption forms (Adoption Regulations 2006) allow parties to express wishes regarding ongoing contact and information exchange at the time of the adoption. These exchanges are

generally facilitated by the Department of Health and Human Services. 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 legislation, all adoptions are regarded as 'open'—that is, some form of contact or information exchange is encouraged. Conditional orders are now routinely recommended to the court.

Northern Territory

'Open' adoptions have been available since the *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 under the Adoption of Children Act.

B.3 Access to information and veto systems

New South Wales

Access to information

A person's entitlement to identifying information depends on the date the Adoption Order was made. Amendments to the *Adoption Act 2000* mean for adoptions made on or after 1 January 2010, adoptees, adoptive parents, birth parents and siblings of an adoptee can gain identifying information about each other and search from the day the Adoption Order is made. However, birth parents and non-adopted siblings must first apply to the Director-General of Family and Community Services for an authority to obtain identifying information about an adoptee and adoptive parents. Before an authority can be released, an assessment must be made to determine if the release of identifying information would pose any risk to the safety, welfare or wellbeing of the adoptee or adoptive parents. To date no applications for a Supply Authority have been received.

Before 1 January 2010, an adopted person aged 18 or over is entitled to have access to his or her original birth certificate and to information about his or her origins. It also enables birth parents to have access to details of their child's adopted identity when that child reaches 18. Birth parents can access information about their child's life after adoption, such as their health and welfare, while the child is under 18. With the permission of the adoptive parents, identifying information may be released.

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

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

Veto system

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

Victoria

Access to information

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

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

Adult children of adopted persons have the same rights to information as the adopted person, providing the adopted person is first informed in writing and has not objected to the release of their adoption information or, where the adopted person is dead, a copy of the death certificate is provided.

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

Veto system

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

Queensland

Access to information

The *Adoption Act 2009* makes different provisions for the release of information depending on whether an adopted person is under or over 18 years old and whether an adoption order was made before or after 1 June 1991.

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

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

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

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

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

Veto (objection) system

In Queensland, the commencement of the *Adoption Act 2009* brought significant changes to vetoes. The repealed *Adoption of Children Act 1964* made provision for objections to contact, and objections to contact and the disclosure of identifying information to be lodged by adopted people or birth parents affected by an adoption order made before 1 June 1991. As of 1 February 2010, all objections which were in force under the repealed *Adoption of Children Act 1964* transferred to have the effect of a contact statement specifying a request for no contact (which has the effect of a contact veto).

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

The release of identifying information can be restricted only if the Children's Court has made an order preventing the release of identifying information where the release would pose an unacceptable risk of harm.

Western Australia

Access to information

Before placing a child with prospective adoptive parents, an adoption plan must be negotiated between birth parents and prospective adoptive parents. This is done to facilitate contact and exchange of information between parties to the adoption. This requirement may be dispensed with by application to the Family Court of Western Australia. Under the *Adoption Act 1994*, birth parents, adoptive parents and adopted persons may apply for access to identifying and non-identifying information about the adoption from departmental records at the discretionary authority of the departmental Chief Executive Officer. For

adoption orders made under the *Adoption of Children Act 1896*, there are additional requirements where the adoptee is aged under 18 years. The *Adoption of Children Act 1896* was repealed in January 1995 when the *Adoption Act 1994* came into operation. The *Adoption Amendment Act 2003* prohibits the placement of any new information vetoes or contact vetoes on adoptions since that date and existing information vetoes ceased to be effective from 1 June 2005.

Veto system

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

Under the *Adoption Act 1994*, where the adoption occurred before 1 January 1995 and the adopted person is aged 18 or over, all parties can apply for access to birth records and adoption court records (that is, identifying information). Where the adopted person is aged under 18, all parties can apply for access to identifying information however, the release of identifying information to any party is subject to the consent of other parties to the adoption.

Where the adoption occurred after 1 January 1995, all parties to an adoption may apply for access to identifying information.

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

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

South Australia

Access to information

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

Veto system

Both adopted persons and birth parents can veto the release of identifying information, thus making contact more difficult, although a specific contact veto is not available. The veto provision is available only for adoptions that occurred before the state's *Adoption Act 1988* came into force.

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

Tasmania

Access to information

In Tasmania, an adopted person aged 18 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 parents. Birth parents, birth relatives and lineal descendants of an adopted person may apply for non-identifying information at any time or for identifying information when the adopted person is aged 18 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 are resident in Tasmania must attend an interview with an approved counsellor before receiving information.

Veto system

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

Australian Capital Territory

Access to information

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

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

The Act provides for an unqualified right to information, but also gives the adopted person aged over 17 years 6 months, an adoptive parent, birth parent, adult birth relatives, adoptive relatives and adult children or other descendants of the adopted person the right to lodge a contact veto. On the lodgment 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 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 *Adoption of Children Act 1994* did not provide for the release of information to any parties to an adoption. Since the introduction of the new Act, there is provision for a more open process, with identifying information being available unless a veto has been lodged. Indigenous child-care agencies are authorised to counsel for the purpose of supplying identifying information.

Veto system

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

Appendix C Countries party to the Hague Convention

The countries party to the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption are listed below. This information is correct as at 15 July 2011.

Country	Date Convention came into effect	Country	Date Convention came into effect
Albania	1 January 2001	Germany	1 March 2002
Andorra ^(a)	1 May 1997	Greece	1 January 2010
Armenia ^(a)	1 June 2007	Guatemala ^(a)	1 March 2003
Australia	1 December 1998	Guinea ^(a)	1 February 2004
Austria	1 September 1999	Hungary	1 August 2005
Azerbaijan ^(a)	1 October 2004	Iceland ^(a)	1 May 2000
Belarus	1 November 2003	India	1 October 2003
Belgium	1 September 2005	Ireland	1 November 2010
Belize ^(a)	1 April 2006	Israel	1 June 1999
Bolivia	1 July 2002	Italy	1 May 2000
Brazil	1 July 1999	Kazakhstan ^(a)	1 November 2010
Bulgaria	1 September 2002	Kenya ^(a)	1 June 2007
Burkina Faso	1 May 1996	Latvia	1 December 2002
Burundi ^(a)	1 February 1999	Liechtenstein ^(a)	1 May 2009
Cambodia ^(a)	1 August 2007	Lithuania ^(a)	1 August 1998
Canada	1 April 1997	Luxembourg	1 November 2002
Cape Verde ^(a)	1 January 2010	Madagascar	1 September 2004
Chile	1 November 1999	Mali ^(a)	1 September 2006
China ^(b)	1 January 2006	Malta ^(a)	1 February 2005
Colombia	1 November 1998	Mauritius ^(a)	1 January 1999
Costa Rica	1 February 1996	Mexico	1 May 1995
Cuba ^(a)	1 June 2007	Moldova ^(a)	1 August 1998
Cyprus	1 June 1995	Monaco ^(a)	1 October 1999
Czech Republic	1 June 2000	Mongolia ^(a)	1 August 2000
Denmark ^(c)	1 November 1997	Netherlands	1 October 1998
Dominican Republic ^(a)	1 March 2007	New Zealand ^(a)	1 January 1999
Ecuador	1 January 1996	Norway	1 January 1998
El Salvador	1 March 1999	Panama	1 January 2000
Estonia ^(a)	1 June 2002	Paraguay ^(a)	1 September 1998
Finland	1 July 1997	Peru	1 January 1996
France	1 October 1998	Philippines	1 November 1996
Georgia ^(a)	1 August 1999	Poland	1 October 1995

(continued)

Country	Date Convention came into effect	Country	Date Convention came into effect
Portugal	1 July 2004	Switzerland	1 January 2003
Romania	1 May 1995	Thailand	1 August 2004
San Marino ^(a)	1 February 2005	Macedonia ^(a)	1 April 2009
Seychelles ^(a)	1 October 2008	Togo ^(a)	1 February 2010
Slovakia	1 October 2001	Turkey	1 September 2004
Slovenia	1 May 2002	United Kingdom ^(d)	1 June 2003
South Africa ^(a)	1 December 2003	USA	1 April 2008
Spain	1 November 1995	Uruguay	1 April 2004
Sri Lanka	1 May 1995	Venezuela	1 May 1997
Sweden	1 September 1997		
Total countries	83		

(a) These countries have acceded to *the* Convention.

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

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

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

Notes:

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

Source: Hague Conference on Private International Law website (HCCH 2011b), <www.hcch.net/index_en.php?act=conventions.status&cid=69>.

Glossary

Adoption

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

Adoption categories

Intercountry adoptions

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

Hague adoption

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

Non-Hague adoption

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

'Known' child adoptions

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

Step-parent

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

Relative(s)

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

Carer

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

Other

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

Local adoptions

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

Adoption compliance certificate

An adoption compliance certificate is defined by each of the Family Law (Hague Convention on Intercountry Adoption) Regulations 1998 and Family Law (Bilateral Arrangements—Intercountry Adoption) Regulations 1998. In essence, it means a document issued by competent authorities in the overseas country where the child was adopted that affirms that the adoption is made either under the Hague Convention or the country's laws, and that the relevant authorities have agreed to the adoption.

Adoption order

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

Adoptive parent

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

Age of adopted child

For 'known' child adoptions, the age of an adopted child is the age at the time the adoption order 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.

Arrangements for intercountry adoptions

There are two categories of arrangements:

Full adoption order in child's country of origin

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

Guardianship order

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

Arranging body

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

Government

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

Non-government agency

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

Country of origin

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

Dispensation

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

Disruption

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

Dissolution

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

Guardianship/custody order (parental responsibility order)

Guardianship orders involve the transfer of legal guardianship to the relevant state or territory department or non-government agency. These orders involve considerable intervention in the child's life and that of their family, and are sought only as a last resort. Guardianship orders convey responsibility for the welfare of the child to the guardian (for example, regarding the child's education, health, religion, accommodation and financial matters). They do not necessarily grant the right to the daily care and control of the child, or the right to make decisions about the daily care and control of the child, which are granted under custody orders.

Custody orders generally refer to orders that place children in the custody of the state or territory, or department responsible for child protection or non-government agency. These

orders usually involve the child protection department being responsible for the daily care and requirements of the child, while the parent retains legal guardianship. Custody alone does not bestow any responsibility regarding the long-term welfare of the child.

Hague Convention (intercountry adoption)

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

An intercountry adoption is classified as a 'Hague' or 'non-Hague adoption' (see 'Adoption categories' above).

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'.

Permanent care order

Permanent care orders grant permanent guardianship and custody of a child to a third party. Unlike adoption orders, permanent care orders do not change the legal status of the child and they expire when the child turns 18 or marries. There is also provision for an application to be made to revoke or amend a permanent care order.

The granting of a permanent care order is usually the final step in the process of permanent family placement for children who have been abused or neglected, or who are in need of care and protection for other reasons, and are unable to remain safely within the birth family.

Marital status of adoptive parent(s)

Marital status of the adoptive parent(s) is counted at the time of placement of the child with the adoptive parent(s) using the following categories:

Registered married

This includes situations where there are two adoptive parents who are legally married to each other and living together at the time of placement of the child.

De facto married

This includes situations where there are two adoptive parents who are not legally married, but who are living together in a de facto relationship as defined by the state or territory in which they live.

Single

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

Marital status of birth mother

Married

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

Unmarried

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

Prescribed overseas jurisdiction

A prescribed overseas jurisdiction is a country that has a bilateral agreement with Australia and is listed in the schedule in the Family Law (Bilateral Arrangements— Intercountry Adoption) Regulations 1998. The current prescribed overseas jurisdiction is the People's Republic of China.

Special needs adoption

Special needs adoptions include children and young people who:

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

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Related publications

This report, *Adoptions Australia 2010–11*, is part of an annual series. Earlier editions can be downloaded free from the AIHW website. The website also includes information on ordering printed copies.

<<http://www.aihw.gov.au/adoptions-publications/>>.

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

- AIHW 2010. Health and wellbeing of young Australians: indicator framework and key national indicators. Bulletin no. 77. Cat. no. AUS 123. Canberra: AIHW.
- AIHW 2011. Educational outcomes of children under guardianship or custody orders: a pilot study, stage 2. Child welfare series no. 49. Cat. no. CWS 37. Canberra: AIHW.
- AIHW 2011. Child protection Australia 2009–10. Child welfare series no. 51. Cat. no. CWS 39. Canberra: AIHW.
- AIHW 2011. Headline Indicators for children's health, development and wellbeing 2011. Cat. no. PHE 144. Canberra. AIHW.