

# What is step-parent adoption?

Information for children and young people being adopted by a step-parent



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The word *adopt* means ‘to legally raise another person’s child’.

Before you can be adopted by your step-parent, the law in Queensland says that you must be given information, counselling and support to help you understand what adoption means for you.

The law also states that your own views about your adoption must be heard. Just because adoption is being talked about, it does not mean you will be, or have to be adopted.

There are lots of things that need to be considered, before a decision is made about whether adoption is right for you. Your adoption will only go ahead if the court decides it is in your best interest.

If the Childrens Court makes an order for you to be adopted by your step-parent, it means that your step-parent becomes your legal parent. Your birth parent (who you no longer live with) will not be your parent by law.

Once your adoption order is made, you will lose your automatic right to inheritance from your birth parent who you no longer live with. However, your birth parent can name you as a beneficiary in their will.

If you are adopted by your step-parent, you will receive a new birth certificate, and in most cases, your last name will change to the name of your step-parent. You will have the same legal rights as any other child in your family.

You can talk about adoption with your parents, or a counsellor, and they can help you understand how you feel about being adopted by your step-parent.

## How is adoption arranged?

The *Adoption Act 2009* is the law that sets out how adoptions can happen in Queensland.

The Department of Child Safety, Youth and Women is the only organisation that can arrange adoptions in Queensland.

The department will talk to you and your family to decide if adoption is in your best interest.

Your step-parent must apply to the Childrens Court for an Adoption Order to be made.

The Childrens Court has the final say about whether adoption is in your best interest, or not. If the Childrens Court believes that adoption is best for you, the court will make an Adoption Order.

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## What happens to my birth certificate after I am adopted?

If you are adopted, your original birth certificate will no longer be your legal birth certificate.

When an Adoption Order is made, the Queensland Registry of Births, Deaths and Marriages will give you a new birth certificate that shows your new family name. Your step-parent will be named on your birth certificate as your legal parent.

If you do not want to change your surname, you don't have to. This is something you may want to talk about with your parents or counsellor.

Your original birth certificate is kept by the Queensland Registry of Births, Deaths and Marriages. You can ask for your original birth certificate after your adoption, but it will be marked as 'not for official purposes'.

## What happens to my birth parent after I am adopted?

Being adopted doesn't mean you have to forget your birth parent or birth family. Your adoption does not need to change your emotional connection to your birth parent.

Adoption only changes your legal relationship with your birth family, it does not change your feelings you have for each other. However, the contact you have with your birth parent may change after you have been adopted.

## Do I want to be adopted?

Making the decision about being adopted can be hard, and sometimes confusing. Some children and young people have talked about feeling sad or upset.

You may feel unsure about your adoption, as you are happy with your family life the way it is.

You may be worried about losing contact with your birth parent and other family members (like your grandparents), or of having to choose between your birth parent and step-parent.

Some children and young people feel confused about who they are, because they are no longer part of their birth parent or birth family, by law. They feel worried because they love their step-parent and want to please them, but are unable to express their true feelings.

Your views and wishes about your adoption, and whether it is right for you, are important. You should talk to the people closest to you, or a counsellor about how you feel.

You can ask to meet with your counsellor by yourself, and it might help to make some notes about what you want to talk about (in case you suddenly get shy, or forget what you want to say).

## What are the lifelong effects of adoption?

It is common for children and young people who are adopted to experience a range of feelings about their adoption, at different times in their life.

If you know about the details of your adoption, and you understand the reasons for your adoption, you may be less likely to have feelings of confusion or sadness.

There may be times when you have questions about your identity, or find it difficult to understand why you were adopted. If your family is able to talk about your adoption, you should tell them how you feel. You may even be able to talk to your birth parent about your adoption.

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Although many people who have been adopted want to know about their adoption or meet their birth parent, this is not always possible.

Sometimes, it may only be when an adopted person experiences a special moment in their life, such as becoming a parent themselves, that they think about meeting their birth parent and finding out more about their birth history.

### Who has to agree to my adoption?

There are a number of people who need to agree to your adoption by your step-parent.

Agreeing to your adoption is called *consent*. Both of your birth parents must consent to your adoption. Even though your own consent is not required, the Childrens Court must consider your views.

If one of your birth parents does not agree to the adoption, but you and other members of your family want the adoption to go ahead, the Childrens Court will make the decision.

The Childrens Court may decide to appoint a lawyer for you, to make sure that your views are heard. Sometimes, the court will decide not to make an Adoption Order.

If one of your birth parents has passed away, Adoption Services will try to talk to this birth parent's relatives. Their views about your adoption will be heard by the court.



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### Counselling

Adoption Services will ask you to talk to at least one person about your adoption, before you decide what you want to do.

Your counsellor or departmental worker will talk with you about what adoption might mean for you and your family, and answer your questions. If there are things you don't understand, you can ask them to explain it to you.

For Aboriginal or Torres Strait Islander children and young people, adoption is not generally accepted within Aboriginal culture, and is arranged differently in Torres Strait Islander communities.

If you are from an Aboriginal or Torres Strait Islander family, your parents will be asked to think about other options to adoption, so that you can stay connected to your culture and community. It is important that you are cared for in a way that helps you understand and identify with your Aboriginal tradition or Island custom.

For Aboriginal or Torres Strait Islander young people, counselling is offered in a way, and at a place, that is appropriate to your people's tradition or custom. Counselling can also be provided by an Aboriginal or Torres Strait Islander person, if you want.



## Expressing my views

You will be able to express your views and feelings about being adopted, to your adoption counsellor. Your counsellor will explain everything that you need to know, and help you understand what is happening.

It is important that you can express your views as openly and honestly as possible. It may be easier for you to explain your feelings by doing a drawing, or writing a letter, rather than talking about it. Your views will be recorded by your counsellor and provided to your parents and the court.

## What support is available to me?

There are a number of people who will support you during the adoption process.

Your counsellor will talk to you about being adopted, and is available to answer any questions you have. Adoption Services can also provide another qualified departmental worker, or counsellor, to support you during the adoption process.

The Childrens Court may decide you need extra support (from either a lawyer or another qualified person), so that your views are heard.



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## What if I have brothers or sisters who aren't being adopted?

If you have brothers or sisters who are not being adopted by your step-parent, they will no longer be your legal siblings once you are adopted.

## Are there different court orders that won't change my relationship with my birth family?

Yes. There are different court orders that your family could apply for, instead of an Adoption Order.

For example, your family could apply for an order through the Family Court that gives parental responsibility to your step-parent, without changing your legal relationship to your birth family.

## Can I just change my name without being adopted?

Yes. Your parents can apply to the Queensland Registry of Births, Deaths and Marriages, to change your name before you turn 18 years old.

Once you turn 18 years old, you can apply to the Queensland Registry of Births, Deaths and Marriages yourself, to change your legal name.



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## What if I don't want to be adopted?

If you feel unsure about your future adoption for any reason, and want to change your mind, you must tell your counsellor, departmental worker or parents, before the Adoption Order is made.

## What happens when the adoption application is filed with the court?

The Childrens Court will review the adoption application, and make a decision about whether adoption is in your best interests.

When an Adoption Order is made, the people involved in your adoption will be told about it. Adoption Services then sends a notice to the Queensland Registry of Births, Deaths and Marriages, for the changes to be made to your birth certificate.

## Can I change my mind after an Adoption Order is made?

No. An Adoption Order means that you become a member of your step-parent's family by law, for the rest of your life. It doesn't change when you turn 18 years old, unlike other Family Court orders.

That is why you and your family must be sure about your adoption, before the Adoption Order is made.

## What does my step-parent need to do for the adoption to happen?

Your step-parent will need to have a number of checks done (such as health, police, traffic and safety checks, and provide character references), before they can become your adoptive parent.

Adoption Services must be satisfied that your step-parent can meet all of your physical, social and emotional needs, and raise you in a loving family environment, before the adoption can be finalised.



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## What if I want information about my adoption?

Once you turn 18 years old, you can ask Adoption Services for information about your adoption.

If you are under 18 years old, you can only get information about your adoption if your birth parents, and your step-parent, give their consent. Adoption Services must also consider whether this information is in your best interest, before providing it to you.

## Is there support available to me after my adoption is finalised?

Adoption Services is available to answer any questions after your adoption is made.

You can also talk to Benevolent Society Post Adoption Service Queensland (PASQ), who provide counselling and support for people who have been adopted in Queensland.

## Helpful contacts

### Benevolent Society Post Adoption Service Queensland (PASQ)

**Phone:** (07) 3170 4600 or 1300 914 819  
**Email:** [pasq@benevolent.org.au](mailto:pasq@benevolent.org.au)  
**Website:** [www.benevolent.org.au](http://www.benevolent.org.au)

### Child Safety After-Hours Service Centre

**Phone:** (07) 3235 9999 or freecall 1800 177 135

### Kids Helpline

Children and young people can talk to a counsellor about anything at all. You can talk to a counsellor over the telephone, by email or online.

**Phone:** 1800 55 1800  
**Website:** [www.kidshelpline.com.au](http://www.kidshelpline.com.au)

### Legal Aid Queensland

Free legal information service.

**Phone:** 1300 65 11 88  
**Website:** [www.legalaid.qld.gov.au](http://www.legalaid.qld.gov.au)

### Lifeline

Anyone can call Lifeline. Lifeline telephone counsellors are trained to offer emotional support in times of crisis, or when callers may be feeling down.

**Phone:** 13 11 14  
**Website:** [www.lifeline.org.au](http://www.lifeline.org.au)

### Queensland Registry of Births, Deaths, Marriages and Divorces

Contact the registry for more information about changing your name on your birth certificate.

**Phone:** 13 QGOV (13 74 68)  
**Email:** [bdm-mail@justice.qld.gov.au](mailto:bdm-mail@justice.qld.gov.au)  
**Website:** [www.qld.gov.au/law](http://www.qld.gov.au/law)

## Further information



Image: Jack Hollingsworth.

If you are unsure about what is happening, you can talk to your parents, adoption counsellor or a departmental officer about your adoption.

### Department of Child Safety, Youth and Women

#### Adoption Services

**Address:** Level 11, 127 Creek Street  
Brisbane Qld 4000

**Postal address:** Locked Bag 3405  
Brisbane Qld 4001

**Phone:** 3097 5100  
1800 647 983  
(free call within Queensland)

**Email:** [ads@csyw.qld.gov.au](mailto:ads@csyw.qld.gov.au)

**Website:** [www.qld.gov.au/adoption](http://www.qld.gov.au/adoption)