

Are you considering adoption for your child?

Prescribed information for a parent considering adoption for their child

Contents

Information for a parent considering adoption for their child 1

What is adoption?	1
Options for securing your child’s care	1
Available support	1
Aboriginal and Torres Strait Islander children.....	2
Consenting to your child’s adoption	3
What happens if a suitable adoptive parent cannot be identified?	9
Considering your child’s views and support for your child	9
How are adoptive parents assessed, educated and selected?	9
Guardianship of your child after consent has been taken and prior to a final Adoption Order being made	10
Interim and final adoption orders made by the Childrens Court	10
The legal effect of adoption	11
Director-General’s functions and powers for the adoption of children	12
Emotional effects of adoption	13
Effects of adoption for the child	14
Adoption plans	15
Openness in adoption	16
Mailbox Service	16
Post adoption services	17
Access to identifying information after an adopted person turns 18 years old	17

Your responsibilities if you consent to your child’s adoption..... 18

Registering your child’s birth	18
Your preferences for your child’s name after the adoption	18
Your preferences for your child’s adoptive parent	19
Providing information about your family	19
Providing information about your medical history	19

Contacts..... 20

Suggested reading..... 20

Adoption forms..... 21

General consent of a parent to an adoption	22
Revocation of consent to the adoption of a child.....	27

Information for a parent considering adoption for their child

The *Adoption Act 2009* sets out information that must be provided to a birth parent before they can consent to their child being adopted.

The information in this booklet details the adoption consent and revocation processes, the legal and emotional consequences of adoption, the adoption process, and what an adoption might mean for you, your child and your family in the future.

An Adoption Officer or a Child Safety Officer from the department will provide pre-consent counselling to you to help you decide whether you wish your child to be placed for adoption.

What is adoption?

Adoption is a legal process arranged under the *Adoption Act 2009*. After an Adoption Order is made, the legal rights and responsibilities for the child are permanently transferred from the birth parent/s to the child's adoptive parent/s. This means that if your child is adopted, you will no longer be your child's legal parent, and the child's adoptive parent/s will become his or her only legal parent/s.

The Childrens Court can make an Adoption Order after you have consented to the adoption, or when the need for your consent (and the child's other parent) has been dispensed with by the Court. Your child can only be adopted by people who are eligible and assessed as suitable adoptive parent/s under the *Adoption Act 2009*.

Options for securing your child's care

Adoption is one option for securing a permanent family for your child. Other options may include parenting your child yourself with some support, or arranging another member of your family to care for your child.

Support to parent your child

In most circumstances, children are cared for by their birth parent/s or members of their family. Being able to parent your child yourself will depend on your personal circumstances, including your age, health, relationship with the child's other parent,

accommodation, your financial situation, support from family members and available support services in your community.

To help you decide whether you can care for your child yourself, you can contact community organisations that provide parenting support services in your local area. The local child safety service centre or Adoption Services can also provide information about available support services in your community.

Family members caring for your child

Birth parent/s may be able to arrange for a family member to care for their child. This will depend on whether there is a relative who is willing and able to accept this responsibility.

There are positive benefits if the child can be cared for by another family member. However, you need to consider whether the relative has the capacity to care for your child and can provide a safe and secure permanent family.

If you are thinking about asking a family member to care for your child, you will need to talk about how the child is to be brought up, financial support to be provided to the relative, and how and when you will have contact with your child.

If you and your relative decide that the relative will be responsible for caring for your child, you may formalise the arrangement by applying for a Parenting Order or Residence Order from the Family Court of Australia.

You can talk to your solicitor for information about Parenting or Residence Orders, or by visiting a Family Relationships Centre (funded by the Australian Government). To locate a centre near you, go to www.familyrelationships.gov.au

Available support

Support and counselling

Most of the time, a parent can receive support from their partner, family, friends or trusted people in their support network to help them decide the best option for their child's care. Sometimes, there may be complex issues, problematic relationships and circumstances that make it difficult to ask for support.

If you prefer to receive support from someone outside your family or network, you can contact local community organisations that offer assistance to pregnant women and parents, such as Parentline, Women's Infolink, Children by Choice and Lifeline. Contact details for these services can be found at the back of this booklet.

The social worker at the hospital can also be a valuable source of support and provide information about local community services.

During pre-consent counselling, Adoption Services will provide an Adoption Officer to support you while you consider adoption for your child. You can also ask Adoption Services to arrange another counsellor who is not an officer of the department for further counselling and support.

If you decide at the end of pre-consent counselling to proceed with adoption for your child, Adoption Services will assist you to access counselling and support.

Arranging for approved carers to care for your child

You will need to talk with Adoption Services or a Child Safety Officer about caring for your child yourself, or whether you want your child to be cared for by approved foster carers, or by someone else, while you consider options for your child's future care.

Arrangements can be made for short-term care of your child by an approved foster carer who has experience caring for infants and young children. You will need to sign an Adoption Care Agreement which gives the department permission to place your child with an approved foster carer. Once the Adoption Care Agreement is signed, the approved foster carer will collect your child from the hospital when the child is ready to be discharged, or from a location as agreed between you and the Adoption Officer.

Under the Adoption Care Agreement, you retain guardianship rights of your child, and you can have contact with your child and be involved in decisions about his or her care. By signing an Adoption Care Agreement you are granting custody of your child to Adoption Services and as such Adoption Services is able to make decisions about your child's day to day care, including which carer they will reside with.

The Adoption Care Agreement can commence after one parent signs the care agreement. However, if the other parent does not want the child to be placed with the approved carer, alternative arrangements will need to be made for the child's care.

If you consent to your child's adoption, the Chief Executive of the Department of Child Safety, Youth and Women becomes the child's guardian until the adoption is finalised, or until you revoke your consent (which must be within 30 days of signing the adoption consent form).

Adoption Services will arrange for your child to be cared for by an approved carer until the child is placed with the adoptive parent/s.

Legal advice

Adoption permanently alters the legal relationship between a parent/s and child.

For free legal advice about adoption or other options for securing your child's future care, you can call Legal Aid Queensland on **1300 651 188**.

Financial support

A number of Australian Government income support allowances, benefits and one-off payments are available to assist parents in caring for their child.

Centrelink provides information about financial supports that may be available to you. For more information go to **www.centrelink.gov.au**

If you decide to parent your child, and the other parent does not live with you, you may be entitled to receive child support payments from the other parent. For further information go to the Services Australia website **www.servicesaustralia.gov.au**

Aboriginal and Torres Strait Islander children

The *Adoption Act 2009* respects Aboriginal tradition and Island custom, and does not promote adoption as an appropriate option for the long-term care of an Aboriginal or Torres Strait Islander child. However, Aboriginal or Torres Strait Islander parent/s and guardians can voluntarily consent to adoption for their child.

The Aboriginal and Torres Strait Islander Child Placement Principle recognises the importance of Aboriginal and Torres Strait Islander children being cared for by their own families and communities wherever possible, and remaining connected to their family, community and culture.

If you are the parent of an Aboriginal or Torres Strait Islander child and you are considering adoption, Adoption Services will support you in making choices about the long-term care for your child, and can arrange for counselling to be provided by an appropriate Aboriginal or Torres Strait Islander person.

Consenting to your child's adoption

Pre-consent counselling

Under the *Adoption Act 2009*, you must receive pre-consent counselling before you can consent to your child's adoption.

The information provided and discussed with you during pre-consent counselling will help you consider options for your child's permanent care and will also assist you to make an informed decision about whether you want your child to be adopted.

Deciding on adoption as the best option for your child's long-term care must be your decision, and your child's other parent's decision. It is not appropriate for another person to pressure you into making the decision.

During pre-consent counselling, an Adoption Officer or Child Safety Officer will explain adoption and help you understand the process and effects of adoption, the options available for your child's care, and the support available to help you make decisions and plan for your child's future.

Pre-consent counselling usually takes place over a number of interviews. This is to ensure that you have enough time to consider all of your options, including adoption for your child. During counselling, you will be encouraged to:

- think about which option would be best for you and your child
- think about the short-term and long-term emotional effects of adoption for you and your child
- ask questions about the adoption process and the legal implications
- decide whether you want to consent to your child's adoption.

The Adoption Officer will provide you with a copy of an adoption consent form and revocation form (these forms are included at the back of this booklet).

If you decide to consent to your child's adoption, another departmental officer will witness your signing of the adoption consent form.

Sometimes, one parent may consent to their child's adoption but the other parent may not want the child to be adopted. In these situations, the parent who does not want the child to be adopted may be able to care for the child, or may lodge an application with the Family Court of Australia for a Parenting Order or Residence Order. Wherever possible, Adoption Services encourages both parents to decide on the best option for their child's long-term care before giving consent.

In some instances, the child's grandparents may not agree with the parents' decision to consent to their grandchild's adoption. Grandparents may seek advice about lodging an application in the Family Court of Australia for a Parenting Order or Residence Order.

Your Adoption Officer will treat you with respect, will not exert any pressure on you to choose adoption and will not discuss your circumstances or the adoption with your family or friends without your knowledge and agreement.

If you need to see other professionals for specific cultural reasons, legal advice or assessment of your capacity to give consent, your Adoption Officer will discuss this with you and help you to organise appointments.

It is important that you have a positive working relationship with your Adoption Officer so that you can work together to make plans for your child's future. If you find it difficult to work with your Adoption Officer, you can discuss your concerns with an Adoption Services Senior Team Leader. If the Adoption Officer is from your local child safety service centre, you can raise your concerns with the child safety service centre Senior Team Leader.

Having contact with your child while you receive pre-consent counselling

Arrangements can be made for you to visit your child while you are receiving pre-consent counselling. Your Adoption Officer will talk with you about what contact you would like to have with your child during this time, and make the arrangements for having contact.

Many parent/s have said that being able to have contact with their child while deciding whether adoption would be the best option for their child has helped with their decision making. You will be encouraged to have some contact with your child before making a decision, and you will be supported if you do have contact.

Involving the child's father in the adoption process

As a mother, you may be reluctant to disclose information about the father of your child for a number of reasons. You may be unsure about who the father of your baby is and may have difficulty talking about this. The Adoption Officer will need to ask you to provide information about the circumstances of the child's conception. This is to help Adoption Services to gather information about the child and the adoption process.

If you have been sexually abused or assaulted, it might be hard talking about your experience. You may decide that you don't want to identify the father because you had an extremely difficult or violent relationship with him. As difficult as it may be, you will be encouraged to provide any information you can about the father. This information will form part of your child's birth history.

If information is not provided about the father, this may delay or jeopardise the adoption process and create uncertainties about your child's long-term care. If the father later learns of your baby's birth and that adoption is being planned for the child, he may decide to make an application to the Family Court of Australia for parental responsibility.

A lack of information about the father also means that your child will not have access to information about him and his family. As an adopted child grows older, social and medical information about both birth parents often becomes more important to them. Withholding a name can create a barrier in subsequent relationships between the birth mother and the adopted person. Adult adoptees have told Adoption Services that being open about the identity and the circumstances of the birth father and conception is less detrimental to the adopted person than withholding this information or creating stories about the birth father that may not be true.

If you do not want personal contact with the father because of the difficulties between you, the Adoption Officer can contact him directly. The Adoption Officer can work with you both separately, helping you to work through issues as they arise.

A father's rights

A child's father has equal rights to a child and he or his family may wish to parent the child or participate in decision making about the child's future permanent care. The law requires an Adoption Officer to identify and locate a child's father and seek their views regarding the child's adoption.

If you are the child's father and your name has not been included in the birth registration process, you still have rights and must be given the opportunity to participate in decision making about your child and consent to the child's adoption if this is your decision.

You must be given information about your child and the proposed adoption. You must have the opportunity to be notified of the adoption, and have the chance to oppose (if you wish), an adoption proceeding.

Reasonable belief that a person is a child's father

A person is reasonably believed to be a child's father where the mother states that a person is the child's father; a person claims to be the child's father or there is a presumption of paternity in accordance with the *Status of Children Act 1978*.

If you are unsure if you or the father of your child is reasonably considered to be the father of the child, your Adoption Officer can explore this with you.

Consent for a child to be adopted

Both parents must give their consent for the child's adoption to proceed.

The only exception is where the Childrens Court makes an order dispensing with the need for one or both parents to give their consent. The *Adoption Act 2009* allows the Childrens Court to make an order dispensing with the need for a parent's consent.

This occurs if the Childrens Court is satisfied that there are grounds for dispensing with the need for the parent's consent and that it is in the child's best interests for arrangements to be made for the child's adoption. The grounds on which the need for a parent's consent may be dispensed are if:

- a parent does not have the capacity to consent
- the identity or location of a parent cannot be established
- a child was conceived as a result of an offence
- there is an unacceptable risk of harm to the child or mother if the parent were made aware of the child's birth or proposed adoption
- there are other special circumstances.

You should give your consent to your child's adoption only if you feel certain that you are making the best decision for you and your child. You can ask for more time to make your decision. All of your questions about adoption need to be answered before deciding to consent to your child's adoption.

The adoption consent form is a legal document and only certain departmental officers, or other people authorised by the department, are authorised to witness your consent.

If you are living in another state or overseas, arrangements can be made for you to receive pre-consent counselling and for your consent to be witnessed by an authorised person.

If you consent to your child's adoption, the Chief Executive of the Department of Child Safety, Youth and Women becomes your child's guardian. This means the department will have the authority to make decisions about your child's wellbeing after you consent.

If you consent, you will continue to be involved in decision making and planning, but the ultimate authority for deciding what is in your child's best interest will rest with the Chief Executive until you revoke your consent or, if you do not revoke your consent, until the Adoption Order is made. After a final Adoption Order is made, the Chief Executive is no longer the child's guardian and your child's adoptive parent/s has all parental rights and responsibilities.

What happens if you are under 18 years old?

There is no minimum age that a parent/s has to be before he or she can consent to their child's adoption. However, if you are under 18 years of age, the *Adoption Act 2009* states that you must be assessed by a qualified person (for example, a psychologist or psychiatrist) to determine if you have the capacity to make an informed decision about giving consent for your child's adoption. This is necessary because consenting to a child's adoption has life-long legal implications, and a parent/s can consent to their child's adoption only if they have the capacity to understand the decision they are making.

The person who assesses your capacity to consent cannot be the same person who provides pre-consent counselling to you. You will be supported by your Adoption Officer to make arrangements for the assessment.

If the assessment finds that, because of your age, you are unable to make an informed decision and you want to go ahead with arranging for your child to be adopted, an application will be made to the Childrens Court to dispense with the need for you to give your consent. Your child's adoption will proceed only if the Childrens Court grants the dispensation.

What happens if you are over 18 years old and there is uncertainty about your capacity to consent?

If it is reasonably suspected that you do not have the capacity to make a decision about consenting to your child's adoption, Adoption Services must contact the Office of the Public Guardian and apply to the Queensland Civil and Administration Tribunal for a declaration about your capacity to give consent. As adoption has life-long legal implications for the child and parent/s, consent to a child's adoption can only be given if the parent/s has the capacity to understand their decision.

If the Tribunal decides that you have the necessary decision-making capacity, you can give your consent to the adoption. If you are living outside of Queensland, the equivalent tribunal in your state or territory, or a qualified person, will assess your capacity to give consent.

If the Tribunal decides that you do not have capacity to consent, the need for your consent must be dispensed with by the Childrens Court for your child's adoption to proceed. In this case, you will be appointed a legal guardian to look after your interests in court for the dispensation of the need for your consent.

If you are seeing a medical practitioner or other support worker, Adoption Services may ask your permission to speak with them about your capacity to make a decision about consenting to your child's adoption.

Expressing preferences for your child's placement if you give consent

Your Adoption Officer will ask you about the type of adoptive family you would like for your child. You can discuss your preferences in pre-consent counselling and record them in writing on the Parent Profile, Family Information and Preferences form.

You can express a preference about anything that is important to you or that you think will support your child's interests. For example, you may have strong feelings about whether the adoptive parent/s are married or in a de-facto relationship, are members of a particular religion, are from a particular cultural background, are within a certain age group, do not have a medical condition or have a certain lifestyle. You can state whether you wish to have ongoing contact either directly or through non-identifying correspondence with the adoptive parent/s and receive photographs of your child. Your Adoption Officer will talk to you about your child's right, in most circumstances to retain their birth name. Often adoptive parent/s will wish to add an additional middle name of their choosing.

Adoption Services will consider all of your preferences when selecting prospective adoptive parent/s for your child. It is important that the family approved to adopt your child can meet the child's needs. Your child's needs; your preferences about the adoptive family you seek for your child; and information about your

family and medical background will assist Adoption Services to select the most suitable prospective adoptive parent/s for your child.

When making the placement decision, all of your preferences will be considered. However, Adoption Services may ask you to identify which preferences are most important to you. The department is responsible for considering all of the information and making the final decision about which prospective adoptive parents can best meet your child's needs.

When can I give consent?

You can sign an adoption consent form when:

- you have been in possession of written information about adoption (information in this booklet) for at least 14 days, and the information has been explained to you in pre-consent counselling
- 14 days have passed since your final pre-consent counselling meeting with your Adoption Officer
- 30 days have passed since your child's birth.

These timeframes allow you time to consider the options available to you, including adoption, and to read, understand and discuss all the information you need to know about adoption to make an informed decision about your child's long-term care.

If you decide to consent to your child's adoption, you will be asked to visit a departmental office or another community agency, at a time that suits you, to complete and sign the adoption consent form. This helps to show that you are voluntarily giving your consent to the adoption.

Arrangements may be made for a parent/s to sign the adoption consent form somewhere other than a departmental office or community agency, if necessary.

If you consent to your child's adoption, you will be given:

- an adoption consent form to sign (and you will be provided with a copy)
- a revocation of adoption consent form that states when the 30-day revocation period ends, and information about how to revoke your consent.

Who witnesses your consent to your child's adoption?

Your consent to the adoption of your child can be witnessed only by a person authorised by the Chief Executive of the Department of Child Safety, Youth and Women. The authorised person is usually a departmental officer, however the Chief Executive may authorise another person in situations where the parent lives outside Queensland.

The person who witnesses your consent must be different to the person who provided pre-consent counselling to you.

The person witnessing your consent will:

- ask to see documents proving your identity
- ask if you understand the effect of giving consent to your child's adoption and the effect of an Adoption Order
- ask if you are giving consent freely and voluntarily and will witness you signing and dating the consent form.

To prove your identity, you will be asked to provide two documents from the following list (as set out in the *Adoption Regulation 2020*):

- a birth certificate
- a citizenship certificate
- an Australian passport that is current or has been expired for less than two years
- a current overseas passport
- a current driver licence containing the person's photograph
- a current proof of age card containing the person's photograph
- a current document evidencing the person's residency or visa status
- a current Medicare card, pensioner concession card, health care card or another identification card issued by the Australian government as evidence of your entitlement to a benefit
- a current positive notice blue card issued under the *Working with Children (Risk Management and Screening) Act 2000*.
- a telephone, gas or electricity account not more than one year old
- a current credit card, debit card or other account card from a financial institution which includes an embossed name and signature

- a passbook or statement of account from a financial institution which is not more than one year old
- a notice of rates from a local government that is not more than one year old
- a current student identity card containing your photograph or signature issued by a school or another educational institution
- a Queensland Government employee identity card containing your photograph
- an Australian State police officer, Federal police officer or Australian Defence Force identity card containing your photograph
- a current crowd controller's licence, private investigator's licence or security officer's licence issued under the *Security Providers Act 1993*
- a current licence issued under the *Weapons Act 1990*.

If possible, you will be asked to provide at least one identification document that has your photograph on it.

The documents you provide must be an original document or a certified copy of an original document, and must show your full name, date of birth and signature. Each document must be written in English or accompanied by a certified translation of the original document.

The person witnessing your consent will also check that you have completed the Parent Profile, Family Information and Preferences form, any necessary statutory declarations, and that you have registered your child's birth.

What happens when I give consent?

Once you consent to your child's adoption you are no longer your child's guardian. The Chief Executive of the Department of Child Safety, Youth and Women becomes your child's guardian.

Your child's other parent retains guardianship unless he or she also consents to the child's adoption, or there is an order dispensing with the need for the other parent's consent.

Your child will usually remain with the same approved carer/s he or she has been placed with under the Adoption Care Agreement.

How and when can consent be revoked?

After signing the adoption consent form, you will have 30 days to change your mind. This is called the revocation period. The 30-day revocation period starts the day after you sign the consent form. Your Adoption Officer will stay in contact with you during the 30-day revocation period.

When you sign the adoption consent form, you will be given a Revocation of Consent to the Adoption of a Child form. The date on which the 30-day revocation period ends will be written on the revocation of consent form.

You need to complete the revocation of consent form only if you change your mind about wanting your child to be adopted.

If you want to revoke your consent, please contact Adoption Services. If you have misplaced the revocation of consent form, Adoption Services can provide you with another form. Or Adoption Services will ask you to send a letter clearly stating that you wish to revoke your consent to the adoption of your child. In the letter, you will need to include your name, address and phone number, your child's name and child's date of birth, the date you gave consent to the adoption and the date you are revoking your consent on.

You may give the completed revocation of consent form or letter to your departmental officer either in person or by mail.

Where the child's mother and father have each signed a consent form, the child's adoption will not proceed if either of them revokes his or her consent, unless the need for that person's consent is later dispensed with by the Childrens Court.

If you decide to revoke your consent for your child's adoption before the end of the 30-day period and are unable to contact your Adoption Officer, you will need to contact either:

- **Adoption Services**

Department of Child Safety, Youth and Women

Call **3097 5100** or **1800 647 983** (free call outside of Brisbane)

- **Child Safety After Hours Service Centre**

Call **3235 9999** or **1800 177 135** (free call outside of Brisbane)

If you advise Adoption Services or the Child Safety After Hours Service Centre that you are revoking your consent to your child's adoption, a departmental officer will assist you to ensure the revocation of consent form or letter is received before the end of the revocation period.

Once a revocation of consent form has been signed, or your letter revoking consent has been received, arrangements will be made to return your child to your care, unless the department is concerned about your ability to safely care for your child.

What is the child's legal status if you revoke consent?

If you had parental responsibility for your child before you gave consent, you will resume full legal parental responsibility from the date the revocation of consent form or letter is received by the department. This means that you must make immediate arrangements to care for your child. Your departmental officer will help you plan for your child's return.

If your child was subject to a Child Protection Order before you gave consent, this order may still be in place if you revoke your consent to your child's adoption, and your child will not automatically be returned to your care.

What happens during the 30-day revocation period?

Your child will continue to be cared for by the approved foster carer during the 30-day revocation period. You can make arrangements for a final contact visit during this time, if you choose to.

During the 30-day revocation period, Adoption Services will start considering a suitable prospective adoptive parent/s for your child. Adoption Services will consider information about your child, your preferences for your child's future care and the degree of openness that you would like after the adoption. This assists Adoption Services to select the most suitable family to meet your child's needs in the event you do not revoke your consent and the child's adoption proceeds.

What happens if a suitable adoptive parent/s cannot be identified?

Once the 30-day revocation period ends, Adoption Services will make arrangements for your child's adoption. Adoption Services will consider people who have been approved as suitable adoptive parent/s to select the best possible adoptive parent/s for your child.

Depending on your child's needs and circumstances, there may not be a suitable person/s already assessed. In this case, Adoption Services may further assess people for their suitability, or invite people who have expressed interest in adoption and potentially have the skills, experience and willingness to parent your child, to be assessed.

The Chief Executive of the Department of Child Safety Youth and Women will remain your child's guardian while Adoption Services identifies suitable adoptive parents for your child. Your child will continue to be cared for by approved foster carer/s.

In some exceptional circumstances, it may not be possible to secure an adoptive placement for a child. Instead, the child may be cared for by approved foster carers in a long-term foster care placement.

Adoption Services will inform you of any issues that may arise when securing a suitable adoptive placement for your child, and discuss alternative long-term care arrangements that may need to be made for your child.

Considering your child's views and support for your child

If your child is able to form and express views, the department must provide information about the adoption, including the adoption process and options other than adoption for securing his or her long-term care. Your child must also receive counselling in an age-appropriate way.

Your child's age and ability to understand the adoption must be considered to ensure he or she can understand the information and take part in counselling to the appropriate extent.

If your child is an Aboriginal or Torres Strait Islander child, counselling must be carried out in a way and at a place that is appropriate to Aboriginal tradition or Island custom, and may be provided by an appropriate Aboriginal or Torres Strait Islander person. This requirement does not apply if your child chooses not to receive counselling (or you decline on his or her behalf) in a way, or by a person, appropriate to Aboriginal tradition or Island custom.

The Childrens Court must consider your child's views, if he or she is able to express views, before deciding whether or not to make an Adoption Order.

The department may appoint a qualified person, such as a social worker or lawyer not employed by the department, who has the necessary expertise or experience to support your child during the adoption process.

If the Childrens Court considers it necessary and in your child's best interests, the court may order that your child be separately represented by a lawyer during adoption proceedings, and may make any orders necessary to secure separate legal representation for your child. The court may also order the department to appoint a qualified person to support your child if necessary.

How are adoptive parent/s assessed and selected?

People who wish to be adoptive parent/s must meet eligibility criteria and undergo a thorough assessment of their suitability. They may be same sex, single or married or live as a de facto couple; they may be childless, or have a child or children, in their care. They come from a wide range of social, academic, cultural, religious, occupational backgrounds and geographic locations.

The assessment includes medical, criminal, domestic violence, financial and child safety checks, personal references, attendance at adoption education seminars, as well as a home study undertaken by a social worker, psychologist or Adoption Officer. If the assessment provides evidence that the person is suitable to be an adoptive parent/s, Adoption Services can approve them as a prospective adoptive parent/s.

To find the best possible adoptive parent for your child, Adoption Services considers all available information about your child's needs, your preferences for the adoptive family you would like for your child and their characteristics, as well as the assessed capacity of all people approved to be adoptive parent/s, before making a decision.

You will have an opportunity to look at the profiles of people being considered as prospective adoptive parent/s for your child, in a non-identifying way. If you choose to participate in decision making about your child's future adoptive parent/s, you will be supported by Adoption Services.

Adoption Services will consider your views on the profiles of people when selecting the prospective adoptive parent/s for your child.

Guardianship of your child after giving consent and before a final Adoption Order is made

After you sign the adoption consent form, the department becomes your child's guardian until the final Adoption Order is made. During this time, it is important that you provide your contact details to the department in case Adoption Services needs to contact you. In the event that your child becomes critically ill, Adoption Services will ask if you would like to have contact with your child, and provide support.

In the unfortunate circumstance of the death of your child before a final Adoption Order is made, guardianship of your child will remain with the Chief Executive of the Department of Child Safety, Youth and Women, and the department will make decisions or take actions following your child's death. Adoption Services will provide information and access to services to support you during the grieving process. If your child was placed with a foster carer, or with a prospective adoptive parent/s under an interim Adoption Order, Adoption Services can talk with you about their involvement during this difficult time.

Interim and final Adoption Orders made by the Childrens Court

If you do not revoke your consent to your child's adoption within the 30-day revocation period, Adoption Services will arrange for your child's adoption to proceed, make a decision about the best prospective adoptive parent/s for your child and develop an adoption plan.

An application will be made to the Childrens Court for an Interim Adoption Order in favour of the prospective adoptive parent/s. An interim order gives the prospective adoptive parent/s custody of your child while the department retains guardianship for at least 12 months and until a final adoption order is made. After the 12-month interim order, a final Adoption Order may be made for the prospective adoptive parent/s.

You will be served with a notice of the application for the interim order (unless you cannot be located). The notice informs you that the department has applied to the Childrens Court for an interim order to give the prospective adoptive parent/s custody of your child for 12 months. You are not required to attend the court proceedings or provide information to the Childrens Court.

If you wish to contest the department's application for an interim order, you may apply to the Childrens Court to be included as a respondent in the proceedings. However, if the 30-day revocation period has expired and you are uncertain about whether you want your child to be adopted, it is recommended that you talk with your Adoption Officer about your options before an interim order is made.

If you have consented to the adoption, the Childrens Court can make an interim order only if it is satisfied that all requirements as set out in the Adoption Act 2009 have been met, and that all steps have been taken to decide if parent/s have the capacity to give consent. The Court does not need to be satisfied with these requirements if the need for a parent's consent has been dispensed with by the Court.

Before making an interim order, the Childrens Court must also be satisfied that:

- the child is in Queensland
- the proposed Adoption Order will promote the child's wellbeing and best interests

- the prospective adoptive parent/s have been selected in accordance with the requirements of the *Adoption Act 2009*
- the prospective adoptive parent/s is eligible and suitable under the *Adoption Act 2009*
- where an adoption plan is required under the *Adoption Act 2009*, the plan has been agreed or is substantially developed.

The interim order will remain in place for *at least* 12 months, during which time the department must assess whether the child's wellbeing and best interests are being promoted in his or her placement with the prospective adoptive parent/s.

After the interim order has been in place for 12 months, Adoption Services may apply to the Childrens Court for a final Adoption Order.

After the final Adoption Order is made, you and any other person who consented to the child's adoption will receive a notice (unless you cannot be located). This notice informs you that the final Adoption Order has been made and explains the terms and effects of the final Adoption Order.

The effect of a final Adoption Order is to transfer full legal responsibility for your child to his or her adoptive parent/s who becomes the child's permanent legal parent/s. After a final Adoption Order is made, you will cease to be the child's legal parent.

The legal effect of adoption

Adoption is the legal process which permanently transfers the legal rights and responsibilities of being a parent from the child's birth parent/s to the adoptive parent/s. In Queensland, adoptions are made by the Childrens Court.

The Court makes an interim adoption order placing the child with his or her prospective adoptive parent/s for at least 12 months. During this 12-month period, custody of the child is given to the child's prospective adoptive parent/s. The department retains guardianship of the child and ultimate responsibility for the child's wellbeing.

During this period, you can continue to have as much contact with Adoption Services as you feel necessary. Your Adoption Officer will be available to discuss any questions you have, or to offer support.

The Post Adoption Support Queensland (PASQ) service can assist you after an Adoption Order has been made. You can call PASQ on **3170 4600** or **1300 914 819** or go to **www.benevolent.org.au**

After the Childrens Court makes a final Adoption Order, the adoptive parent becomes the child's only legal parent/s.

An Adoption Order ends your legal relationship with your child. It also ends the legal relationship between your child and other members of your family, including any brothers and sisters the child may have. The law will no longer recognise that the child who has been adopted, and any other children you have, are brothers and sisters.

Once the Childrens Court makes an interim Adoption Order or a final Adoption Order, the child cannot be returned to his or her birth parent/s.

New birth certificate issued

When an Adoption Order is made, the department advises the Registry of Births, Deaths and Marriages to register the adoption and issue the child with a new (amended) birth certificate. This new birth certificate names the adoptive parent/s as the child's parent/s.

You can purchase a copy of your child's original birth certificate (with your name on it) before an Adoption Order is made, or you can ask Adoption Services to authorise the Registry to provide you with your child's original birth certificate at any time after an Adoption Order has been made.

If you and your child's adoptive parent/s have agreed in the adoption plan to exchange identifying information during the interim adoption period or after the child is adopted, Adoption Services can authorise the Registry to provide you with your child's amended birth certificate once the Adoption Order is made.

Once the child turns 18 years of age, Adoption Services can authorise the Registry to provide you with your child's amended birth certificate without requiring permission from the adoptive parent.

Inheritance

Following the making of an Adoption Order, the child has an automatic right to inherit from his or her adoptive parent if they do not have a will. The child loses the automatic right of inheritance from members of the birth family who die without a will.

A birth parent/s or other birth relative/s can specifically name a child who was adopted as a beneficiary of a will, and it does not matter whether the will was made before or after the Adoption Order. Adoption Services and the Public Trustee of Queensland can assist to ensure an adopted person receives a bequest made under a birth relative's will.

Discharge of Adoption Orders

An Adoption Order is permanent. While it is possible for an Adoption Order to be discharged (cancelled) by the Supreme Court under some circumstances, this is extremely rare. The only grounds on which the Supreme Court can discharge an Adoption Order are if:

- the order was made based on:
 - a false or misleading document or representation
 - a person acting fraudulently or using undue influence on another person
 - another improper way
- a consent required for the adoption was not given freely and voluntarily by a person with capacity to give the consent
- there are other exceptional circumstances that warrant the discharge.

If you provide informed consent to your child's adoption (or the need for your consent is dispensed with by the Childrens Court) and your child's adoption is arranged lawfully under the *Adoption Act 2009*, the order cannot be discharged at a later date.

Director-General's functions and powers for the adoption of children

The Director-General of the Department of Child Safety, Youth and Women is the Chief Executive and is responsible for, and has the authority to:

- arrange for a child's short-term placement with an approved foster carer

- provide information and pre-consent counselling to parent/s in a way that enables them to understand and give informed and voluntarily consent to their child's adoption
- provide information and counselling where the child is old enough to understand and express his or her own views, and obtain their views about a proposed adoption
- apply to the Childrens Court for an order dispensing with the need for a parent's consent
- apply to the Queensland Civil and Administration Tribunal to determine an adult parent's capacity to make decisions about consenting to a child's adoption
- arrange for assessment of a non-adult parent's capacity to consent
- release a child to his or her parent's care before or after the 30-day revocation period has ceased, unless an interim order or final Adoption Order has been made
- make decisions about the person most suitable to be a child's prospective adoptive parent/s
- assist birth parent/s and prospective adoptive parent/s to negotiate an adoption plan
- apply to the Childrens Court for an interim Adoption Order
- assess whether a child's wellbeing and interests are being promoted when placed with his or her prospective adoptive parent/s under an interim Adoption Order for 12 months
- apply to the Childrens Court to discharge an interim order when it is likely an adoptive placement is not going to be in a child's best interests
- apply to the Childrens Court for a final Adoption Order
- ensure all parties are provided with a copy of relevant court documents and orders and are given information about the effect of the court documents and orders
- notify the Registry of Births, Deaths and Marriages of the making of an Adoption Order.

Emotional effects of adoption

Short-term effects

Parents thinking about arranging for their child to be adopted are likely to experience strong and sometimes painful emotions. Some parents may find it difficult to tell important people in their life about their plans for their child to be adopted, and may initially experience feelings of fear, shock, anger, shame or denial, even when they are certain they are acting in their child's best interest.

If you are the mother of a newborn baby, no matter how you felt about the pregnancy, you will have carried your child for nine months. You may have begun to grieve during your pregnancy as you thought about not parenting your child and arranging for your child to be adopted after birth. You may have felt overwhelmed and scared about sharing information about the pregnancy or birth with others. During the pregnancy and closer to the birth, you may find it hard to imagine being separated from your child, even if you think there is no way you can parent the child yourself and that adoption may be the best option for your child's future care.

It is usual for parents to feel conflicting emotions when considering whether adoption is the best option for their child. It is important to meet with someone to discuss these feelings to help you understand the conflicting emotions so that you can think clearly and make the best decision possible for your child's future.

If your child has a health issue, or there are legal or other issues in your life that affect your ability to care for your child, you may need time to think through these issues before you can decide what is best for your child. If your child is diagnosed with a medical condition or disability, it is important to find out as much as possible about your child's short and long-term health needs, before you consent to adoption.

When a child is born, parents are generally surrounded by well-wishers wanting to celebrate the child's arrival. Parents considering adoption for their child may feel isolated and alone. Some parents feel that they have to keep their circumstances secret, so as not to bring 'shame' on their family. However, in many instances, close family members or friends will understand the parent's circumstances and provide support while parents consider, and possibly decide to consent to adoption.

Parents considering adoption may experience unhelpful reactions from some people around them. As a result, some parents may keep the child a secret from family, friends or even the child's father. However, this secrecy may create a sense of isolation and make it even harder to work through your emotions if you are unable to share and discuss your feelings. Birth parents are encouraged to seek professional support outside of the family and social circle if needed. Adoption Services can refer parents to counsellors for support.

Parents cannot make good decisions if they are feeling powerless, shocked or confused. It is important to remember that you have choices, and cannot be forced into making a decision by anyone else or before you are ready to make a decision.

It is common for parents to feel anxious about the future, and to want to have the child's adoption arranged as quickly as possible to be able to 'get on with life'. Sometimes, parents do not want to talk about their reasons for considering adoption for their child and want to sign the consent form as quickly as possible. Even though it may be painful discussing options, talking about the adoption process and your reasons for considering adoption, it is less painful than realising too late that the decision was made too quickly and was not the best decision for you or your child.

Some parents say that, although the decision was very difficult, they felt a sense of relief and satisfaction at having made a decision that was in the best interests of their child.

Long-term effects

Some parents may experience feelings of uncertainty and regret, particularly if their circumstances change over the years and they think back about their decision and wish that their life back then was as it is now. Other parents feel secure in the knowledge that arranging for their child to be adopted was the right decision, but still experience strong feelings of regret and grief from time to time. Many parents whose children have been adopted say that although they were not able to care for their child, not parenting the child has caused lifelong pain.

Birth parents may feel the loss of not parenting their child, even though they find ways of working through and living with the loss. Some parents say that their physical and emotional health has been affected and they have needed ongoing counselling, support and treatment for depressive illnesses.

Other birth parents felt sadness that they were unable to parent their child, but were reassured when they received correspondence or had contact with the adopted person after he or she turned 18 years old. They felt comforted knowing that they had made a good decision because the adopted person grew up in a caring, stable family and had the educational and social opportunities the birth parent wished for their child.

Today, birth parents can have ongoing contact through Adoption Services' Mailbox Service, or have an open adoption arrangement with their child and the adoptive parent/s. This means birth parents will not have to wonder how the child is doing, or what he or she looks like. However, it also reminds birth parents that someone else is caring for their child and has permanently taken their place as the child's parent.

Birth parents who receive information about their child, or have contact with their child and the adoptive family may experience mixed feelings of happiness and sadness.

Birth parents feel differently about their child, the decision they made about adoption and having ongoing contact with the child, at various times throughout their lives. Having a relationship with the child may be easier at some times than others, causing a birth parent to wonder whether he or she can cope with contact.

Being a birth parent who is not raising their child presents particular challenges. People may not know how to acknowledge your role as a birth parent and you may feel hurt and disappointed by the way others act towards you. Some people do not want to talk about the child who was adopted, and you may find it difficult to think of yourself as a parent.

As your life goes on, you might find ways of being able to talk about your child's adoption and your feelings with people who are important to you. Some Birth parents who are grieving have found it helpful to have professional counselling, or to talk to other parents in similar situations.

Some parents who felt unsupported, or kept their adoption experience secret, may have had difficulties attaching to romantic partners or to children they had at a later stage. Feelings of grief and loss about the child who was adopted may resurface if you have subsequent children who you decide to parent.

Many birth parents hope that once the child turns 18 years of age, he or she may want to make contact. Some birth parents are anxious about whether contact will be positive or how it may affect their other children. It is common for birth parents to have mixed feelings about their adult son or daughter's decision to make contact, or not to have contact, with them.

While a birth parent may have been waiting for the adopted person to turn 18 so that they can obtain identifying information and make contact, the adopted person may not have thought about contact at that time in their life, and may not feel the same about establishing and maintaining contact.

Some birth parents have re-experienced the intense pain and grief felt at the time of the adoption when finding out that their adult son or daughter does not want to have contact with them. While this can be very difficult to deal with, it is important for parents to understand their child's decision and that his or her feelings about possible contact may change over time.

Birth parents may need support to help them manage their expectations of contact and to deal with feelings of hurt if the adopted person is not as motivated to make contact at that point in time.

The Post Adoption Support Queensland (PASQ) service can assist you after an Adoption Order has been made. You can call PASQ on **3170 4600** or **1300 914 819** or go to **www.benevolent.org.au**

Effects of adoption for the child

For children who cannot be raised by their own families, adoption has been shown to provide a successful alternative, and adopted children appear to do as well as other children in the community.

However, adoption can have lifelong effects for children as well as birth parent/s. If the child is attached to a secure and nurturing adoptive family, he or she is well equipped to deal with issues associated with being adopted.

A child who is raised with openness and understanding will be less likely to struggle with feelings of grief or difference, and will understand that their birth parent/s acted in a loving and responsible way when they chose adoption.

Birth parent/s and adoptive parent/s can participate in an open adoption arrangement or exchange correspondence through the Mailbox Service. An open adoption arrangement assists the child to grow up with positive feelings about being adopted and have a realistic understanding of their birth parent/s and birth history.

Although adopted children may have questions about their identity and struggle to understand why a birth parent chose adoption, children are able to positively associate their birth and adoptive identities.

If the child is unsupported in their adoptive family, he or she may experience difficulties in forming a positive self-identity, which can lead to troubled or detached relationships in adulthood. Fears of abandonment and indebtedness may cause some adopted people to have difficulties separating from their adoptive family as adults.

The adoption assessment process considers the prospective adoptive parent's capacity to talk with a child about adoption, their understanding of the importance of a child's birth parents and birth history and willingness to positively participate in open adoption, before they are approved to become an adoptive parent/s.

Although many people who have been adopted are interested in the circumstances of their adoption and in meeting their birth parent/s, this is not the case for everyone. Not all people who have been adopted have the same level of interest in making contact. However, a person's level of interest can change at different times during their life. It may only be when adopted people gain a certain level of life experience, or are about to become parents themselves, that they become interested in meeting their birth parents and finding out more about their history.

Adoption plans

It is important to think about whether you would like to have some form of contact with your child and your child's adoptive family, after the adoption.

An adoption plan can be negotiated between birth parent/s and adoptive parent/s to set out the type of contact they wish to have after the Adoption Order is made, as well as other matters that may affect the child's wellbeing and interest.

Adoption Services acts as an intermediary between the birth parent/s and adoptive parent/s in negotiating and preparing an adoption plan.

What is an adoption plan?

An adoption plan is a written plan about anything relating to the adopted child's wellbeing or interests. An adoption plan may, for example, address any of the following:

- the degree of openness in the adoption, including:
 - when a party will communicate with another party
 - how a party will communicate with another party, such as through the Mailbox Service or other way that is non-identifying
 - topics on which information will be exchanged (for example, the child's development, important events in the child's life, the child's medical condition, the medical history of the child's biological family)
- the adoptive parent's commitment to telling the child about the adoption and helping the child understand the circumstances of the adoption
- if the child is an Aboriginal or Torres Strait Islander child, how the adoptive parent will:
 - help the child to maintain contact with his or her community or language group
 - help the child to develop and maintain a connection with his or her Aboriginal tradition or Island custom
 - preserve and enhance the child's sense of Aboriginal or Torres Strait Islander identity
- if the child has a particular ethnic or other cultural background, how the adoptive parent/s will:
 - help the child to maintain contact with his or her community or language group
 - help the child to develop and maintain a connection with his or her ethnicity or culture
 - preserve and enhance the child's sense of ethnic or cultural identity.

Is an adoption plan mandatory?

An adoption plan is not mandatory unless:

- the adoptive and birth families agree to have face-to-face contact with each other after the child has been placed with their adoptive family
- a child is, or has been, subject to a Child Protection Order
- a child is Aboriginal or Torres Strait Islander and the adoptive parent is not from his or her community or language group.

Adoption Services recommends that an adoption plan be negotiated and developed at the time of adoption, even if it is not mandatory.

An adoption plan is not enforceable and it does not:

- limit the primary responsibility of the adoptive parent for the child's upbringing
- entitle a member of the child's birth family or anyone else to interfere in the child's upbringing or the relationship between the child and adoptive parent/s.

Parties to an adoption plan are responsible for acting in accordance with the agreements documented in the plan, and reviewing and changing the plan with the agreement of all parties. The adoptive parent/s is responsible for making decisions for their child, including participating in an adoption plan. Parties can contact Adoption Services and Post Adoption Support Queensland if they require support or assistance with the adoption plan after the Adoption Order is made.

An adoption plan cannot include anything that is intended to prevent, restrict or otherwise control the movement of a party, for example, moving interstate.

An adoption plan is not legally enforceable and has no effect once a child turns 18 years old.

Openness in adoption

Adoption today is very different to the secrecy of past decades. Adoptions are no longer considered "closed" or "open" but rather to have degrees of openness. It is now recognised that children and family members benefit from having contact with each other after an Adoption Order has been made. 'Openness in adoption' refers to ongoing contact between birth parent/s, adoptive parent/s and the child after the adoption is finalised.

Prospective adoptive parent/s and birth parent/s have the option of receiving information about each other's identities. This enables them to begin corresponding and, perhaps, decide to meet. The agreement between adoptive parent/s and birth parent/s to release identifying information to each other can be recorded in the adoption plan.

However, some parties to an adoption may feel more comfortable having indirect or non-identifying contact with each other, before deciding whether they want to open the adoption and have direct contact with each other.

Contact may include the exchange of identifying or non-identifying letters or emails, face-to-face meetings (which can be mediated) or over the phone. The type and frequency of contact is determined on an individual basis, and consideration is given to what is in the best interest of the child.

The Adoption Officer will ask whether you wish to have face-to-face contact with your child and his or her adoptive parent after the final Adoption Order is made. Your wishes will assist Adoption Services in selecting a suitable adoptive parent for your child.

When negotiating an adoption plan, Adoption Services will help you, the adoptive family and the child (if he or she is old enough to be involved) to decide when and how much contact you wish to have, and whether contact will increase over time.

Mailbox Service

The Mailbox Service is run by Adoption Services to enable adoptive parent/s and birth parent/s to exchange non-identifying information with each other.

Identifying information can also be exchanged through the Mailbox Service if the parties agree to have an open adoption. In this case, parties may choose to correspond directly with each other, rather than through the mailbox, as the child grows older.

Mailbox correspondence offers mutual benefits for all parties to an adoption:

- Children and their adoptive parent/s can learn about the birth parent/s and family of origin.

- The adoptive parent/s can ask questions about the child's background or issues the child is interested in, and share information about the child's progress and life experiences with the birth parent/s.
- Adoptive parent/s and birth parent/s may exchange photographs. Photographs of the child older than two years are considered as identifying and may only be exchanged once all parties have agreed after the final Adoption Order has been made.
- Small gifts can be exchanged to mark important occasions, if parties agree to this.

Corresponding through the Mailbox Service is voluntary, and Adoption Services cannot enforce the use of Mailbox Service.

The type and frequency of information exchanged, and how long the Mailbox Service is used for corresponding, is entirely up to the parties. Many birth parent/s and adoptive parent/s choose to exchange correspondence on significant occasions, such as the child's birthday and at Christmas. Birth parents and adoptive parents are responsible for deciding whether or not to continue exchanging correspondence through the Mailbox Service.

The Adoption Officer will ask whether you want to correspond with your child and his or her adoptive family through the Mailbox Service. If you proceed with arranging for your child to be adopted, you can record your wishes about participating through the Mailbox Service on the Parent Profile, Family Information and Preferences form, as well as the Notice of Intention to take part in the Mailbox Service form. If you feel unable to begin corresponding soon after your child is adopted, you may ask Adoption Services to hold all letters and photographs until you are ready to receive them.

If you choose not to use the Mailbox Service at the time your child is adopted, but later change your mind, you can contact Adoption Services. Adoption Services will talk with the adoptive family about whether they agree to correspond through the Mailbox Service.

Post adoption services

You can contact Adoption Services for support with matters associated with your child's adoption, mailbox correspondence and the adoption plan.

You can also contact Post Adoption Support Queensland which supports people affected by adoption in Queensland. Call **3170 4600** or **1300 914 819** or visit **www.benevolent.org.au**

Accessing identifying information after an adopted person turns 18 years old

The *Adoption Act 2009* states that identifying information can be released to an adopted person or birth parent when the adopted person turns 18 years of age. The adopted person or birth parent/s can also receive copies of some documents, such as the birth parent's consent to the adoption and the Adoption Order.

If you have not exchanged correspondence through an open adoption arrangement, you are entitled to apply for identifying information once the child turns 18 years old. Adoption Services may provide the following information:

- The full name given to the child after the adoption.
- The adopted person's last known name and address (if agreed by the adopted person).
- The name of the adoptive parent at the time of adoption.
- Authority for the Registry of Births, Deaths and Marriages to provide a copy of the child's original and amended (after adoption) birth certificates (the certificates will be marked 'not to be used for official purposes').

Adoption Services will also provide a birth parent with copies of:

- the consent to the adoption
- a court order dispensing with the need for a birth parent's consent (if applicable)
- the Adoption Order.

If a birth parent has died or is incapable of applying for identifying information, their spouse, parent, sibling, adult child or adult grandchild can apply for this information on their behalf.

Your responsibilities if you consent to your child's adoption

Registering your child's birth

The *Births, Deaths and Marriages Registration Act 2003* requires you to register your child's birth within 60 days of the birth, regardless of whether or not you proceed with arranging for your child to be adopted.

An important part of your child's identity is his or her name. When registering your child's name, you can choose a first, middle and last name for your child. This is your child's legal name unless it is later changed by a re-registration or at the time an Adoption Order is made.

The child can access his or her original birth certificate at a future time, with the department's authorisation.

In the past, some birth parent/s chose not to name their child because they felt it was not their right or it was too upsetting, or that the adoptive parent/s should name the child, which meant that the child was registered as 'unnamed male' or 'unnamed female'. This caused distress for adopted people when they applied for a copy of their original birth certificate and found that they were not named at birth. It is difficult for adopted people to understand that being unnamed by their birth parent/s did not mean that their birth parents were uncaring or rejecting them at the time of their birth and adoption.

It is now recognised that:

- all parents, including those whose children will be adopted, have a right to name their children
- adoptive parent/s should respect the name given to a child by his or her birth parent/s
- birth parent/s may need support in helping them decide and register the name they wish to give their children.

Preferences for your child's name after the adoption

Your Adoption Officer will talk to you about your child's right to retain their birth given name/s. In most cases a child will retain the names that you have given them. However, their adoptive parent/s may choose to add or include an additional middle name. The Childrens Court will make the decision though about what is in a child's best interest.

When making a final Adoption Order for a child, the Childrens Court must also make an order about your child's name. The final Adoption Order must include an order that a child keeps his or her existing first name as the given name. The Court may order that:

- the child must keep their existing first name as the child's first name and the child may keep their existing surname or have the same surname as an adoptive parent/s.
- the child may also be given as additional given name agreed by the adoptive parent/s or have a different given name agreed by the child's adoptive parent/s.

The Court is required to consider the child's right to preserve his or her identity and whether the child was known by or identified with any existing names before the adoption.

The Court is also required to consider whether the given name is in the child's best interest. The court may make an order for the child's name to change if it is satisfied it would be harmful to the child's wellbeing or best interest to keep the existing given name.

The *Adoption Act 2009* does not prevent a child's name being changed under another Act or law after an Adoption Order is made, such as the adoptive parents' right to register a change of a child's given name or surname under the *Births, Deaths and Marriages Registration Act 2003*.

Preferences for your child's adoptive parent

You can express preferences about the type of adoptive family you would like your child to be placed with. Adoption Services will consider your preferences for the characteristics of the adoptive family, your child's particular needs including any medical or other conditions that he or she may have, and information about your family and medical background to select the most suitable adoptive parent/s for your child.

Your preferences can include the age, religion, health, relationship status and cultural background, number of existing children, interests and lifestyle and geographical location of the adoptive parent/s. You can also express a preference about whether your child could be placed with a single person, heterosexual couple or same-sex couple. You may also like to participate in selecting the prospective adoptive parent/s by looking at non-identifying profile/s.

Providing information about your family

Your Adoption Officer will ask you to provide information about yourself and your family, and give permission for this information to be provided to the child and his or her adoptive parent/s. This information is recorded in the Parent Profile, Family Information and Preferences form.

Your information will be provided to the prospective adoptive parent/s in a non-identifying manner at the time of placement. This will help the adoptive parents talk with the child about why he or she was adopted and help the child to know about you and his or her background.

Adopted children like to know about their parent/s' lives, what kind of family their parents grew up in, their education, employment, hobbies and interests, cultural background or religious affiliation. Abilities and personality traits can be inherited. Having access to this information helps children to understand their adoption and have a perception of their birth parent/s. It allows them to piece together their birth history and develop a healthy self-identity.

Members of your family can also provide information. Sharing family history provides the child with a link to the past, helps the adoptive parent/s answer questions the child may have and provides a starting point for building relationships between you and the child and the adoptive family in the future.

If there is specific information you do not want provided to the adoptive parent/s, you should discuss this with your Adoption Officer.

Providing information about your medical history

You will be asked to provide medical information about yourself and your family members and to give permission for relevant medical information to be released to Adoption Services by the hospital or other medical service.

Information about your general health and the members of your family, family health conditions that could be inherited and anything that may have affected your child's health during your pregnancy and the child's birth, is particularly important.

The medical information you give helps identify your child's present and possible future medical and developmental needs. Medical information is also shared with the adoptive parents so they can arrange for the child to receive appropriate medical treatment, if needed.

If an adopted person, or non-custodial parent, has died or is not capable of applying for identifying information, the person's spouse, parent, sibling or adult child can apply for the information on their behalf.

Contacts

Department of Child Safety Youth and Women

Adoption Services

Call 3097 5100 or 1800 647 983
Visit www.qld.gov.au/adoption

Child Safety After Hours Service Centre

A 24-hour contact line if you are having any difficulties caring for your child.
Call 3235 9999 (after hours only)

Post Adoption Support Queensland

Call 3170 4600 or 1300 914 819
Visit www.benevolent.org.au

Children by Choice

Provides information to women about options for unplanned pregnancy as well as referrals for abortion, adoption and parenting.
Call 33575377 or 1800 177 725
Visit www.childrenbychoice.org.au

Legal Aid Queensland

Free legal information service.
Call 1300 65 11 88
Visit www.legalaid.qld.gov.au

Family Court of Australia

A specialist Federal court dealing with family law matters.
Call 1300 352 000
Visit www.familycourt.gov.au

Child Health Line

A 24-hour telephone service staffed by Child Health Nurses to provide information about child and youth health issues and positive parenting practices. Nurses can also provide information about local community services.
Call 13 HEALTH (13 43 25 84)

Parentline Counselling Service

A confidential telephone counselling service.
Call 1300 30 1300 between 8 am and 10 pm, seven days a week.

Women's Infolink

A confidential information and referral service.
Call 1800 177 577 (freecall) between 8 am to 6 pm, Monday to Friday.

The Ellen Barron Early Parenting Centre

A free residential centre for parents of children up to two years old, to provide child and family health information, education, support and referrals to community resources.
Call 3139 6500

Raising Children Network — the Australian parenting website

A website that provides information to people who care for children, as well as connecting people through discussion forums.
Visit raisingchildren.net.au

Young Parents Program

A service for young pregnant women and young mothers to provide health care, counselling and support groups.
Call 3357 9944

Lifeline

Counsellors offer emotional support in times of crisis or when callers may be feeling down. Lifeline can also refer people to other available support services in the community.
Call 13 11 14
Visit www.lifeline.org.au

Suggested reading

Adoption and Loss: The Hidden Grief

By Evelyn Robinson, Clova Publications, 2000

A birth mother writes of her personal experience of adoption and loss as well as looking at the effects on other members of the adoption triangle.

Adoption and Recovery: Solving the Mystery of Reunion

By Evelyn Robinson, Clova Publications, 2004

A birth mother writes about personal and interpersonal recovery following adoption and adoption reunion.

The Open Adoption Experience

By Louis Melina, Harper Collins Publishers, New York, 1993.

A complete guide for adoptive and birth families — from making the decision through the child's growing years.

Adoption: The Common Thread

Compiled by Parramatta/Holroyd Family Support, 2001

Personal stories of adoption written by members of the support group and others who have experienced adoption.

Ever After

By Gary Coles, Clova Publications, 2004

A book about birth fathers written by a birth father. It deals with the author's personal story as well as a wider look at the experience of men whose children were placed for adoption.

Adoption forms

A copy of the following adoption forms are provided for your information:

- General consent of parent to adoption — Form 1 Version 4
- Revocation of consent to the adoption of a child — Form 40 Version 4

General consent of parent to adoption form



General consent of parent to adoption

Adoption Act 2009 (sections 18, 19, 20, 22, 23, 26, 306, 307)

This form is for use by a parent who wants to consent to the adoption of his or her child.

A parent's consent to the child's adoption may not be given before the latest of the following days:

- (a) the day that is 30 days after the child's birth;
- (b) the day that is 14 days after the parent is given the documents under section 22;
- (c) the day that is 14 days after the parent is given the prescribed information under section 23;
- (d) the day that is 14 days after the last day the parent receives counselling under section 24;
- (e) the day the counsellor swears the statement mentioned in section 175(3)(b)

Completing this form

In signing this form you are giving your consent for your child to be adopted. Your consent must be given freely and voluntarily.

This form **must** be signed in the presence of a witness who has been authorised by the Department of Child Safety, Youth and Women.

The witness must sight the original or certified copy of two proof of identification documents (for example, your drivers licence, passport, birth certificate, pension card, credit card, Medicare card, student card) at the time this form is signed by you and a copy of these two proof of identification documents must be kept by the witness and attached to this form. The witness can provide you with the full list of identification documents that may be accepted.

Revoking your consent

You may revoke your consent by giving a written notice to Adoption Services within 30 days of this consent being signed. You can use the *Revocation of consent to the adoption of a child form*, or provide written notice that you are revoking your consent in a letter. Details of how to give your revocation to Adoption Services are included in the *Revocation of consent to the adoption of a child form* which will be given to you if you consent to your child's adoption.

If you intend to revoke your consent, please telephone Adoption Services on **(07) 3097 5100** or **1800 647 983** (free call within Queensland) as soon as possible to advise that you will be providing written notice of your decision to revoke your consent for your child to be adopted.



General consent of parent to adoption

Adoption Act 2009 (sections 18, 19, 20, 22, 23, 26, 306, 307)

1. Details of the child to be adopted			
Surname			
Given names			
Date of birth		Gender	Male <input type="checkbox"/> Female
Place of child's birth (city/town)		Hospital or other place where child was born	
2. Details of the parent giving consent			
Preferred title (for example: Mr, Mrs, Ms, Dr)			
Surname			
Given names			
Date of birth		Gender	<input type="checkbox"/> Male <input type="checkbox"/> Female
Are you of Aboriginal, Torres Strait Islander or South Sea Islander descent?	<input type="checkbox"/> Yes, Aboriginal <input type="checkbox"/> Yes, Torres Strait Islander <input type="checkbox"/> Yes, Aboriginal and Torres Strait Islander <input type="checkbox"/> Yes, South Sea Islander <input type="checkbox"/> No		
Relationship to child (if guardian, state details of order)	<input type="checkbox"/> Mother <input type="checkbox"/> Father <input type="checkbox"/> Guardian (details of order)		
Residential address	Number and street address		
	Suburb		
	State/Territory		Postcode
Postal address	<input type="checkbox"/> Please tick if same as above		
	Number and street address		
	Suburb		
	State/Territory		Postcode
Telephone: Please indicate with an * which phone number is your preferred contact number.	Home:		
	Work:		
	Mobile:		



General consent of parent to adoption

Adoption Act 2009 (sections 18, 19, 20, 22, 23, 26, 306, 307)

3. Details of the other parent of the child (please provide details if known)

Preferred title (for example: Mr, Mrs, Ms, Dr)			
Surname			
Given names			
Date of birth		Gender	
Is he or she of Aboriginal, Torres Strait Islander or South Sea Islander descent?	<input type="checkbox"/> Yes, Aboriginal	<input type="checkbox"/> Yes, Torres Strait Islander	<input type="checkbox"/> Yes, South Sea Islander
	<input type="checkbox"/> Yes, Aboriginal and Torres Strait Islander		<input type="checkbox"/> Yes, South Sea Islander
	<input type="checkbox"/> No		
Relationship to child (if guardian, state details of order)	<input type="checkbox"/> Mother	<input type="checkbox"/> Father	<input type="checkbox"/> Guardian (details of order)
Residential address	Number and street address		
	Suburb		
	State/Territory		Postcode
Postal address	<input type="checkbox"/> Please tick if same as above		
	Number and street address		
	Suburb		
	State/Territory		Postcode
Telephone: Please indicate with an * which phone number is their preferred contact number.	Home:		
	Work:		
	Mobile:		



General consent of parent to adoption

Adoption Act 2009 (sections 18, 19, 20, 22, 23, 26, 306, 307)

4. Parent's consent to the adoption of his or her child

I (full name) _____ as the parent or guardian of the child

(insert child's full name), _____ declare that (please tick the items that apply):

- I have been provided with information and counselling about adoption as required by the *Adoption Act 2009* and that at least 14 days have passed since I was provided with this counselling and information
- I have provided the witness to this consent with the original or certified copy of the following two proof of identification documents in accordance with section 9 of the *Adoption Regulation 2020*

1. Identification document: _____

2. Identification document: _____

- I understand the information that has been provided to me, including information about the legal effect of adoption and the rights and responsibilities of the parties to an adoption, and access to information about, and contact with, other parties to an adoption throughout the life of the adopted person
- I have been told by Adoption Services that I may wish to seek legal advice before consenting to the adoption of my child and I have been given details of a free legal service
- I understand that at the time of signing this form, I cease to be the guardian of my child and the Chief Executive, Department of Child Safety, Youth and Women assumes guardianship of my child
- I understand that if a suitable adoptive parent/s cannot be identified for my child, he or she will remain in the guardianship of the Chief Executive, Department of Child Safety, Youth and Women
- I understand that at the time a final adoption order is made, the legal relationship between myself and my child will cease and a permanent legal parent-child relationship will be established between my child and his or her adoptive parent/s (unless this final adoption order is discharged)
- I understand that I may revoke my consent to the adoption of my child within 30 days of the date of this consent being signed
- I am giving my consent to the adoption of my child freely and voluntarily

Signature _____

Date _____

Place _____

(city/town)

5. Certificate of witness (completed by a person authorised by the Department of Child Safety, Youth and Women)

Name of witness	_____
Position title	_____
Employment address	_____

I as witness, declare that:

- I have sighted the two proof of identity documents from the list prescribed under sections 8 and 9 of the *Adoption Regulation 2020*, and as required by s18(2)(c) of the *Adoption Act 2009*, of the person giving consent and have attached a copy of each document to this form



General consent of parent to adoption

Adoption Act 2009 (sections 18, 19, 20, 22, 23, 26, 306, 307)

- I am satisfied that the person giving consent is the parent of the child and is the person named on this form
- I am satisfied that the person giving the consent understands the effect of adoption and the effect of giving consent
- I am satisfied that the person has capacity to give consent
- I am satisfied that the person is giving their consent to the adoption of their child freely and voluntarily
- I am an authorised person as defined under section 18(5) of the *Adoption Act 2009*, for the purposes of witnessing this consent
- I am aware that, in accordance with section 306 of the *Adoption Act 2009*, it is an offence to witness a person's consent to the adoption of a child if:
 - I have not sighted the originals or a certified copy of two documents to verify the identity of the person or
 - I know or ought to know the person:
 - is not the person named on this form or
 - is not the parent of the child or
 - does not understand the effect of giving consent and effect of adoption or
 - does not have capacity to give the consent or
 - is not giving consent freely and voluntarily or
 - I am not present when the person signs this form; or
 - the date on this form is not the date on which the consent was given by the person named on this form.

The consent form was signed in my presence on (date)		Place (city/town)	
Signature			

PRIVACY NOTICE

In accordance with the *Adoption Act 2009*, the Department of Child Safety, Youth and Women is required and/or authorised to collect the information on this form to facilitate the proposed adoption of your child. The Department of Child Safety, Youth and Women may provide some or all of this information to the Registrar, Registry of Births, Deaths and Marriages, a relevant court or tribunal and/or other persons as authorised under the Act. All information obtained in the process of a parent giving consent to the adoption of his or her child will be managed in accordance with the Information Privacy Principles described in the *Information Privacy Act 2009*.

Revocation of consent to the adoption of a child form



Revocation of consent to the adoption of a child

Adoption Act 2009 (section 20)

This form is for use by a parent who wants to revoke the consent given to the adoption of his or her child.

To revoke the consent you gave for your child's adoption, you must give written notice to Adoption Services that you are revoking your consent within 30 days of the date you gave your consent. You can use this form to provide the written notice or you may give the written notice in a letter or in any other document.

If you intend to revoke your consent, please telephone Adoption Services as soon as possible to advise that you will be providing written notice of your decision to revoke your consent for your child to be adopted.

If you have any questions about completing this form or revoking a consent that you have given for your child, please contact Adoption Services by telephone on (07) 3097 5100 or 1800 647 983 (free call within Queensland) or by mail at the address overleaf or email to ads@csyw.qld.gov.au.

1. Period in which you may revoke your consent (date to be entered by a departmental worker or authorised person under the *Adoption Act 2009*. If this is not listed please contact Adoption Services).

Date you consented to your child's adoption

Date up until when you may revoke your consent

2. Parent's written notice of decision to revoke consent

I _____,
(insert full name)

of _____,
(insert street address)

in the state or territory of _____, declare that I am the _____
(insert state or state of territory) (insert mother/father/guardian)

of the child _____
(insert child's full name)

born _____, at _____
(insert child's date of birth) (insert place of birth)

and I have decided to revoke the consent I gave for my child to be adopted.

Signature: _____

Date: _____ Place (city/town): _____

Telephone: Please indicate with an * which phone number is your preferred contact number.	Home: _____
	Work: _____
	Mobile: _____



Revocation of consent to the adoption of a child

Adoption Act 2009 (section 20)

3. How to give the revocation to Adoption Services

To give your revocation you may:-

Post it to (registered mail is recommended):
Adoption Services
Department of Child Safety, Youth and Women
Locked bag 3405
Brisbane QLD 4001

or, **fax it to**:
Adoption Services
Fax: (07) 3097 5101

or, **deliver it to** (by courier or in person):
Adoption Services
Department of Child Safety, Youth and Women
Level 11, 127 Creek Street
BRISBANE QLD 4001

or, **email it to** (by attaching a scanned copy of the signed form or signed written notice to your email):
Adoption Services
Email: ads@csyw.qld.gov.au

4. Confirmation of receipt

Adoption Services will contact you by telephone and in writing to let you know your revocation of consent has been received. If you do not receive a telephone call and a letter confirming your form was received, please telephone Adoption Services on 1800 647 983 (free call) or (07) 3097 5100.

PRIVACY NOTICE

In accordance with the *Adoption Act 2009*, the Department of Child Safety, Youth and Women is required and/or authorised to collect the information on this form to facilitate the revocation of a parent's consent to the adoption of a child. The Department of Child Safety, Youth and Women may provide some or all of this information to a court or tribunal and/or persons as authorised under the Act. All information provided by a parent revoking consent to the adoption of his or her child will be managed in accordance with the Information Privacy Principles described in the *Information Privacy Act 2009*.