

Services for adopted children under 18 years and their families

Open adoption in NSW

'Openness' forms the basis of current NSW Adoption law and practice. 'Openness' in adoption refers to the way a child¹ is supported to remain connected to their birth parents, brothers, sisters, extended family and cultural heritage. Open adoption recognises that children benefit when both their families (birth and adoptive) remain in contact with each other after adoption. This occurs with an open attitude as well as actions. Not all adoptions involve face-to-face contact between the families, however, it is essential that children are comfortable to speak openly about both their families through their growing years.

While the adopted child is under 18 years of age, all efforts should be made by both the birth and adoptive families to discuss any concerns with each other, with the best interests of the child in mind, and with the intent of coming to a mutual agreement. However, when this is not possible, Family and Community Services' (FACS) Adoption Information Unit (AIU) assists adopted children and their families to build connections, communicate with each other, and gain information where they have not been able to do this on their own.

Information available to families

Depending on when the adoption happened, identifying and/or non-identifying information is able to be gained about the adopted child who is under 18 years and birth parents.

For adoptions after 1 January 2010, adopted people and adoptive parents may gain identifying information about the birth family from the day the adoption order is made. While the child is under 18 years, the child, birth parents, brothers and sisters may seek approval to gain identifying information about the child and adoptive parents. Approval may not be given if the supply of information poses a risk to the safety, welfare or well-being of an adopted child or adoptive parents.

For adoptions before 2010, permission from the birth parents, adoptive parents or FACS (depending upon the circumstances) is required before identifying information may be provided. Non-identifying information is able to be provided to a birth parent without this permission.

Details about the adoption information² available can be located on the FACS website or by contacting AIU (see contact details below).

Adoption plan

The adoption plan explains how the child will remain connected with family members and is supported to develop a healthy and positive identity.

At times, family members may not be able to maintain regular contact throughout the child's life, as set out in the adoption plan. Additionally, as children grow up, their needs and priorities change. Often they are juggling family meetings with sports, social events and other activities after school and during the weekend that limits their availability. Sometimes these cannot be predicted at the time of agreeing to an adoption plan. Ideally, it would be hoped that both families understand these changes and are willing to be flexible and reach an agreement that best suits everyone.

¹ Child refers to all children and young people under the age of 18 years

² 'Adoption Act 2000: how it affects you. Post Adoption – for adoptions made after 1 January 2010'.

²Adoption Search Guide – For people who want to apply for information about a past adoption and for those considering searching for a family member'

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AIU provides support to families to review the arrangements in the adoption plan, and where possible, negotiate new arrangements that meet the needs of the child at that time.

Aboriginal and Torres Strait Islander children

An adoption plan (including the cultural plan) for Aboriginal and Torres Strait Islander children will be registered with the Supreme Court³. A person of significance to the child and/or family, named on the plan, or any family member may raise any concerns about the child and their cultural plan with AIU and request a review of the arrangements. AIU will provide mediation and least intrusive casework support to reach a mutual agreement. However, if this is not possible, then AIU may initiate a review of the arrangements by the Supreme Court.

Contact

AIU assists families who need additional support to arrange meetings with the child and family members. This may include liaising with the FACS Community Service Centre, the supervising contact agency and family members to ensure meetings are a positive experience for the child and family members. AIU's involvement is generally agreed on prior to the adoption.

Contact after a long time – seeking current information

There are times where events in life mean family members have not been in contact with the child for a long time. To help families re-connect with the child, AIU are able to make contact, obtain and pass on current information and/or establish ongoing correspondence exchange or meetings.

Information sharing

Written updates and photos help keep the child and birth family connected. The act of writing a letter can be a time to check in with the child about how they are feeling about their adoption and birth family.

Adoptive parents are encouraged to send written updates and photos, even when birth parents are not able to respond. Ideally, it is always best to send this directly to the birth parents. When this is not possible, AIU can co-ordinate the exchange of information such as letters, emails, photographs, cards, DVD's or USBs.

Outreach and mediation

At times the child may have difficulty coping with a particular aspect of their adoption and may need to feel a connection with members of their birth family or seek answers to questions they hold.

Sometimes there may be the need for an adopted child to have medical information about their birth family. Birth family members may also become aware of a medical condition in their family and there are future implications for the wellbeing of the child.

At times when the adoptive and birth families are not in contact with each other, AIU can make contact and provide the relevant information.

The privacy of all people is respected, however, positive relationships can develop when people agree to exchange identifying details and stay in touch without AIU involvement. AIU caseworkers can continue to support and offer assistance if needed.

³ Fact Sheet – 'Registration of adoption plans'

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Counselling

AIU caseworkers provide short-term, immediate counselling to assist where issues around the adoption are impacting on the child and families. AIU caseworkers will assist to provide context and strategies to manage a situation and make referrals to relevant services where ongoing support and counselling is needed.

Contact AIU if you need any assistance

Phone: 1300 799 023 (local call within Australia)

Email: adoption.information@facs.nsw.gov.au

Website: www.facs.nsw.gov.au/families/adoption/adopting-a-child/want-to-adopt