

ADOPTION ACT 2000 - How it affects you

(Post Adoption)

WHERE AN ADOPTION ORDER OCCURRED OR WAS VALIDATED IN NSW, BEFORE 1 JANUARY 2010

CONTENTS	
Page	
1	Access to Information
1	Advance Notice
1	Contact Veto
1	Reunion and Information Register (RIR) - <i>formerly Adopted Person's Contact Register (APCR)</i>
1	Prescribed Information (social and medical information)
2	Adopted person under 18
2	Birth Fathers
2	YOUR ENTITLEMENTS - <i>As an adopted person</i>
3	YOUR ENTITLEMENTS - <i>As a birth parent</i>
4	YOUR ENTITLEMENTS - <i>As a adoptive parent</i>
5	YOUR ENTITLEMENTS - <i>As a person with a disability</i>
6	THE ENTITLEMENTS OF RELATIVES OF - <i>a deceased adopted person or deceased birth parent</i>
6	Fees
6	Contact
7	Other Agencies / Other Contacts

Access to Information

The Act gives adult adopted people and their birth parents the right to receive identifying information about each other.

This information includes your Original Birth Certificate if you are an adopted person.

If you are a birth parent, the information includes your child's Amended (after adoption) Birth Certificate.

Advance Notice

As an adoptive parent, birth parent or adopted person you are able to request Advance Notice of the release of identifying information. An Advance Notice gives you two months to prepare for the release of any information about you.

Contact Veto

As a safeguard to privacy, adopted people and birth parents are able to place a Contact Veto if the Adoption Order was made before 26 October 1990.

A Contact Veto means the person seeking access to your identifying information will only be allowed to have the information if they sign an undertaking not to attempt to contact you.

It is an offence to contact an adopted person or birth parent if they have registered a Contact Veto.

Reunion & Information Register

Community Services Division of the NSW Department of Family & Community Services (FACS) operates the Reunion and Information Register. You can exchange messages or make arrangements for a reunion with other people who might be seeking contact with you through the Register.

Prescribed Information (social & medical)

It is possible to get certain information from Adoption Files held by Community Services and other agencies involved in adoption arrangements. The amount and type of information available from these different information sources can vary considerably.



Adopted person under 18

If you are the birth parent of an adopted child under the age of 18, you are entitled to request non-identifying information held by Community Services or an adoption agency about the health and welfare of your child.

Birth Fathers

The entitlements of a birth father depend on whether or not he has been legally acknowledged. Fathers should make enquiries directly with Community Services' Adoption Information Unit to clarify their entitlements.

If an adopted person or birth parent dies, a relative or a person who had a close personal relationship with the deceased can apply to Community Services to be considered to be gain access to some of the information that would have been available to the deceased person.

YOUR ENTITLEMENTS - AS AN ADOPTED PERSON

Obtaining information about your history

Your first step is to apply to the Adoption Information Unit (AIU) of Community Services for an Authority for this information to be supplied to you. This is called a 'Supply Authority' and will contain identifying information about your birth parent(s).

You are entitled to have social and medical information about your birth family and certain documents from files held by Community Services or the Adoption Agency that arranged the adoption, the Supreme Court, or the Hospital where you were born.

You can get a copy of your Original Birth Certificate from the Registry of Births, Deaths and Marriages.

You can search for further information about your birth relatives, such as certain particulars from your birth parent's birth record or from that person's marriage or death records.

If you know that a birth brother or sister has been adopted into a different family and is now an adult, you can obtain details about them and their adoptive family and continue searching through the Registry of Births, Deaths and Marriages for more information.

Once you have been given identifying information you may search and make contact with your birth relatives unless they have registered a Contact Veto. At this stage you may wish to contact the adoption Information Unit or other supporting agencies for advice and assistance.

You can still obtain the identifying information if a Contact Veto has been registered. However, you must sign an Undertaking not to make contact with whoever has registered the Contact Veto. If your birth parent has lodged a Contact Veto they will be told that you have been issued with identifying information about them.

In some cases the birth parent may have left a message at the time of lodging the Contact Veto. The message may explain why they have expressed a wish for privacy.

Similarly, if your birth brother or sister was adopted into another family and has lodged a Contact Veto, you must sign an Undertaking not to make contact with them before identifying information will be given to you.

A fine of up to 25 penalty units or 12 months imprisonment or both applies to anyone breaking a Contact Veto undertaking.

Your birth parent may register a request for Advance Notice. If they do, the release of identifying information will be delayed for two months. There may also be a message left explaining the reason for the Advance Notice.

Birth brothers or sisters adopted into other families may also request Advance Notice of the release of their identifying information. If they do, the release of identifying information will be similarly delayed.

If you want to be contacted but do not wish to search yourself, you can put your name on the Community Services' Reunion and Information Register. If a birth relative also registers for contact, you will be put in touch. You can leave a message for your birth parent or other relative even if you do not wish to have contact.



Requesting Advance Notice to delay birth relatives making contact

You can lodge a request for Advance Notice. This will delay the release of identifying information about you for two months, allowing you time to prepare for its release.

Community Services maintains the Advance Notice Register.

Once you have registered an Advance Notice, you will be notified if a birth relative applies for identifying information. Your birth relative will be told the identifying details will not be released for two months.

You can leave a message with your Advance Notice explaining your reasons for delaying the release of your information.

How to prevent contact

You can lodge a Contact Veto if you do not want to be contacted by a birth relative if your Adoption Order was made before 26 October 1990.

The Contact Veto Register is maintained by Community Services. Once you have lodged a Contact Veto, the birth relative will be asked to sign an Undertaking not to contact you, nor ask anyone else to contact you on their behalf.

Identifying information will only be given to them if they have signed this Undertaking. You will be informed about their application for identifying information.

You can leave a message explaining why you have registered the Contact Veto. This may help a birth relative understand your situation and can give them information about your wellbeing.

Registering an Advance Notice or Contact Veto

Even though your birth relative is not able to apply for identifying information about you until your 18th birthday, you can register an Advance Notice or Contact Veto from the age of 17 years and six months. Doing this will ensure your wishes are recorded before a birth relative seeks information about you.

You can register an Advance Notice or Contact Veto in person or by posting your completed Advance Notice or Contact Veto Application Form to the Adoption Information Unit.

You may remove your Advance Notice or Contact Veto at any time.

YOUR ENTITLEMENTS - AS A BIRTH PARENT

Obtaining information about a child over 18 years

Your first step is to apply to the Adoption Information Unit (AIU) of Community Services for an Authority for this information to be supplied to you. This is called a 'Supply Authority' and will contain your child's identifying information after adoption.

You can get a copy of the Amended (after adoption) Birth Certificate from the Registry of Births, Deaths and Marriages, and have the Registry search for further information such as details from your son or daughter's marriage or death certificate.

You are entitled to information and documents from files held by Community Services or the Adoption Agency that arranged the adoption, the Supreme Court, or the Hospital where your child was born.

You may search and make contact with your son or daughter with this identifying information unless they have registered a Contact Veto. At this stage, you may wish to contact the Adoption Information Unit or other supporting agencies for advice and assistance. If they have registered a Contact Veto, you can still obtain their identifying information providing you sign an Undertaking not to make contact.

The person who has registered the Contact Veto will be told if you have been issued with identifying information about them.



How to prevent contact

You can lodge a Contact Veto if you do not wish to be contacted by your son or daughter if the Adoption Order was made before 26 October 1990.

The Contact Veto Register is maintained by Community Services.

If you have registered a Contact Veto and your son or daughter applies for identifying information about you, they will be asked to sign an Undertaking not to make contact with you, nor ask anyone else to contact you on their behalf. If they are unwilling to sign, the identifying information will not be released.

You will be informed about their application for identifying information.

You can leave a message explaining why you have registered the Contact Veto. This may help your son or daughter understand your situation.

Registering an Advance Notice or Contact Veto

If you have a child who was adopted, they can apply for identifying information at 18 years of age.

If you intend to lodge an Advance Notice or Contact Veto you should do so as soon as practicable, making sure your wishes are recorded before your son or daughter begins enquiries.

You can register an Advance Notice or Contact Veto in person or by posting your completed Advance Notice or Contact Veto Application Form to the Adoption Information Unit.

You may remove your Advance Notice or Contact Veto at any time.

Seeking information about a child under 18 years

You can obtain certain information and documents from files held by Community Services or the Adoption Agency that arranged the adoption. This may include non-identifying information about your child's health, welfare, education, interests and general lifestyle after their adoption, as well as non-identifying information about the adoptive parents.

You may also request that Community Services or the Adoption Agency that arranged the adoption try to obtain current, non-identifying information about your child's physical and emotional wellbeing from the adoptive parents.

Your name may be entered on the Reunion and Information Register kept by Community Services. If your child joins the Register after they turn 18, you will be put in touch with each other.

You can leave a message for your child about your current circumstances on the Reunion and Information Register, or with the Adoption Agency that arranged the adoption.

Should Community Services or an adoption agency become aware of the breakdown of your child's relationship with the adoptive parents so that the child is living separately from them, or of the death of your child, you would be informed.

YOUR ENTITLEMENTS - AS AN ADOPTIVE PARENT

[The legal bond created between you and your adopted child is not altered in any way by the changes to the adoption law.](#)

If your child is still under 18 years of age, you are entitled to have certain social and medical (non-identifying) information providing you with knowledge about your child's background. This is available from files held by Community Services or the Adoption Agency that arranged the adoption.

While your adopted child is under 18 years of age, they need your permission to make enquiries about their origins.

If you wish to access your adopted child's Original Birth Certificate following their 18th birthday you will need their consent.

If your adopted son or daughter is over 18 but has not been told of the adoption, there is a possibility they will learn about it through contact from a birth relative. It is much better they learn about it from you.



If you would like some guidance on how to discuss adoption with your child, contact Community Services' Adoption Information Unit (AIU) or one of the other agencies listed in this booklet.

You may fear losing the love of your adopted child if a birth relative makes contact. All the evidence is to the contrary. Secure, loving relationships are not adversely affected by birth family contact.

You can register an Advance Notice to give yourself time to prepare for the release of information to your child's birth relatives.

Requesting Advance Notice to delay contact

You can lodge a request for Advance Notice, which will warn you if an application is made for your son or daughter's identifying information.

- The release of identifying information will be delayed for two months. This allows everyone time to prepare.
- The birth relative will be told that the identifying details will not be released for two months.
- The Advance Notice Register is maintained by Community Services.
- You can leave a message with your Advance Notice explaining why you wish to delay the release of information.
- Your adopted child can also lodge an Advance Notice registration when they reach the age of 17 years and six months, even though a birth relative is not able to apply for the identifying information until the adopted person turns 18.

Registering an Advance Notice

You can register an Advance Notice or Contact Veto in person or by posting your completed Advance Notice or Contact Veto Application Form to the Adoption Information Unit.

You may remove your request for Advance Notice at any time.

YOUR ENTITLEMENTS - AS A PERSON WITH A DISABILITY

People with a disability are not disadvantaged in their right to apply for identifying or social and medical information, or to lodge a Contact Veto or Advance Notice.

Another person with a proper interest in the matter can apply to the Guardianship Tribunal for:

- the Tribunal to consider whether the person - with entitlements under the Act - has a disability or a condition making it impossible or unreasonable for them to exercise their rights, and
- if this is so, to appoint someone to exercise the rights on behalf of the person with the disability.

If the appointed person finds there is a Contact Veto attached to the release of information, he or she must be able to guarantee the person with the disability will not attempt to contact the person who placed the Contact Veto, otherwise the information will not be released.

For more information, contact:

Guardianship Tribunal

2a Rowntree Street

Balmain NSW 2041

Phone 02 9556 7600 or Toll free 1800 463 928

Email gt@gt.nsw.gov.au



THE ENTITLEMENTS - OF RELATIVES OF - A DECEASED ADOPTED PERSON A DECEASED BIRTH PARENT

If you are the relative, spouse, de-facto or another person who had a close relationship with a birth parent or adopted person who has died, you are able to apply for an authority to be considered to gain access to some of the information that would have been available to them.

Further information is available by discussing your situation with the **Adoption Information Unit**.

FEES

Adopted people

From 21 September 2012 there is no Fee for an adopted person to obtain information and support in relation to their own adoption from the Adoption Information Unit of Community Services.

Birth parents

From 21 September 2012 there is no Fee for a birth parent to obtain information and support about their child's adoption from the Adoption Information Unit of Community Services

Information and support includes:

- The Supply Authority
- Prescribed Information ('Social and medical information') from the Adoption File
- Registration on the Reunion and Information Register (RIR)
- A copy of the "*Adoption Search Guide - What Do I Do Now?*"

Adoptive parents and other people

Please contact the Adoption Information Unit for information.

Please Note:

For further searches at the Registry of Births, Deaths and Marriages and the issue by them of additional Certificates (such as Marriage, Death, Original Birth Certificates and Amended Birth Certificates), you will need to apply to the Registry and pay any Fee directly to them.

Please note: Applications cannot be accepted by email or other electronic means.

CONTACT

Adoption Information Unit

Community Services Division
NSW Department of Family and Community Services

Office hours Monday-Friday, 9:00am-5:00pm
website www.community.nsw.gov.au
email adoption.information@facs.nsw.gov.au
telephone **1300 799 023** cost of local call with NSW & ACT
02 9716 3005 from other states
(+61) 2 9716 3005 from overseas

postal address Adoption Information Unit
Locked Bag 4028
ASHFIELD NSW 2131
AUSTRALIA

street address Adoption Information Unit
4-6 Cavill Ave
ASHFIELD NSW 2131
AUSTRALIA

Other Agencies/Other Contacts on page 8 following



Other Agencies

Post Adoption Resource Centre (PARC)

The Benevolent Society
Level 5, 7-11 The Avenue
Hurstville NSW 2220
T: 02 9504 6788 or 1300 659 814

Anglicare Adoption Services

(formerly Church of England Adoption Agency)
19A Gibbons Street
Telopea NSW 2117
T: 02 9890 6800

CatholicCare Adoption Services (Newcastle)

(formerly Catholic Adoption Agency/Centacare)
841 Hunter St
Newcastle West NSW 2302
T: 02 4923 0600

CatholicCare Adoption Services (Sydney)

(formerly Catholic Adoption Agency/Centacare)
PO Box 3127
Bankstown Centro NSW 2200
T: 02 8709 9333

The Salvation Army

Special Search Service (Post Adoption)
PO Box A435
Sydney South NSW 1235
T: 02 9211 6491 or 1300 667 366

Barnardos Adoption Agency

PO Box 137
ANNANDALE NSW 2038
T: 02 9833 8877

Other Contacts

Supreme Court of NSW

T: 02 9230 8733

NSW Registry of Births, Deaths & Marriages

T: 1300 655 236

Link Up (NSW) Aboriginal Corporation

T: 02 4759 1911 or 1800 624 332

International Social Services

T: (+61) 2 9267 0300

Find and Connect (Locating records for Hospitals/Homes)

www.findandconnect.gov.au