

Mandatory Written Information for parents of a child in out-of-home care (OOHC)

Open Adoption - What you need to know

Mandatory written information on open adoption for parents of a child in out-of-home care.

About this document

This booklet provides you with information about out-of-home care open adoption in New South Wales. If you are given this booklet, it does not mean that adoption of your child is certain. The adoption process takes time. It's not a decision that any one person can make. It must be assessed. If it is recommended, it must be considered by the NSW Supreme Court.

The Department has designed this booklet so that it follows the journey a parent going through the adoption process may experience. The sections in this booklet are:

1. Open adoption of my child is being considered
2. I've been told there will be an assessment
3. I've been asked if I want to consent to my child's adoption
4. An adoption application has been sent to Court
5. My child has been adopted
6. I'd like more information

The Department is required to provide this information to you if open adoption is being considered for your child. Under the New South Wales adoption law, a parent must be given the information in this booklet before they are asked to agree to their child's open adoption when their child is under 12.

If your child is aged 12-17, you will not be asked to sign your agreement to open adoption but you will be asked to give us your thoughts and feelings about it.

Considering open adoption for your child is a big decision. I am aware of the range of emotions you may experience when adoption for your child is being considered. I have the utmost respect for the feelings of parents and for the rights of parents under our laws. There are two things I want to encourage:

- Be informed. Read this booklet. I can assure you that no child can be adopted unless it is in their best interests, and if an adoption does happen, it must be open – which means you and your family will continue to spend time or have a connection with your child.
- Seek support if you need it. Start with your child's caseworker. Ask them to explain anything you don't understand. The last section of this booklet also contains the contact details of organisations who will be able to help you.

Acknowledgement: On Sorry Day 2008, the Australian Parliament apologised for the policies of past governments that led to the systematic removal of Aboriginal and Torres Strait Islander children from their families, communities and country – the Stolen Generations. For the pain and suffering caused by these policies, and our involvement in them, we are sorry. In 2012, the NSW Parliament apologised for the traumatic effects of the forced adoption practices of the past. The effects have echoed through the lives of tens of thousands of mothers, fathers, adopted people and their families. To those living with the ongoing grief and pain of forced adoption practices, we are sorry.

Accessing this booklet

We are committed to providing accessible services to people from culturally and linguistically diverse backgrounds. If you have difficulty in understanding this booklet you can:

- Contact Translating and Interpreting Service (TIS national) 131 450.
- Download this booklet in PDF (websearch: mandatory written information) and be heard using Adobe Acrobat's Read Out Loud function.
- Ask your caseworker if the Department has a multicultural support worker who can speak with you in your community language.
- Take a break. You don't have to read this whole booklet at once. You can go to the section you want to know more about at anytime, write down anything you don't understand or ask your caseworker to explain.

Some terms in this booklet

- Carers means people who look after you.
- Parents means your mother and father at birth.
- Family or birth family means your family you were born to – parents, brothers, sisters, aunts, uncles and kin.
- Adoptive parents means your carers, if they became your legal parents.
- Adoptive family means your legal family after open adoption – your legal brothers, sisters, aunts, uncles and kin.
- Arrangements means the way you live – your home, the people around you and what the Court says.
- Parties means people who are directly involved in open adoption Court proceedings.
- Parental responsibility means the right to make decisions about what's best for you in your childhood.
- Court order means a legal decision that is a rule that must be followed.
- Agency means a non-government open adoption agency that is managing your care. They aim to provide a stable and permanent home to children in out-of-home care.
- The Department means NSW Department of Communities and Justice.

Chapter 1. Open adoption of my child is being considered

This section looks at what you need to know if you are told that your child's carers wish to adopt your child. It explains what an open adoption is. It looks at what alternatives to open adoption there may be.

Key points in this section

What is an open adoption?

- Open adoption is a service for the child, to provide long term stability. It is a legal order that lasts for all of the child's life.
- Being 'open' helps children when both families (birth and adoptive) remain in contact after an adoption order has been made.
- Open' means the child is supported to remain connected to their family and culture.
- Openness lets children feel free to talk about their families and about all of the things that make them who they are.

What are the alternatives to open adoption?

When your child is in out-of-home care and restoring them to your care is no longer being considered, other options must be explored. These include:

- A Court order that gives parental responsibility to your child's carer such as a guardianship order.
- Leaving things as they are now.

Remember: The Department and the Court must consider what is in the best interests of your child.

About open adoption

Why is open adoption being considered for your child?

The Department or the agency looking after your child, aims to provide long-term stability to every child in out-of-home care. For this reason, caseworkers do 'permanency planning' with the goal of achieving a safe and permanent home that meets each child's needs. Where children cannot be restored to their family and are unable to live with relatives or kin, open adoption is sometimes considered.

For your child, open adoption is the goal. That's why you have been given this booklet.

Keep in mind that the goal can be changed and it doesn't mean that your child is 'locked in' to open adoption. Before taking any legal steps to move to open adoption, the Department or the agency looking after your child must arrange an assessment that considers whether open adoption would best meet your child's needs. This assessment is done by a trained person who has had no part in setting your child's case plan goal.

What is an open adoption?

Open adoption is the legal process that permanently transfers all the legal rights and responsibilities of being a parent from you to your child's adoptive parents. It is for the child's life and doesn't end when they turn 18. The status of an adopted person, and of an adoptive parent, is the same as if the child had been part of the adoptive family from birth. This means the adopted person gets new birth certificates. See 'New birth certificates' on page 41.

Take a moment : How do you feel about open adoption for your child right now? What things do you want to find out? Read this booklet very carefully. If it doesn't answer your questions, talk to your child's caseworker or a legal service provider.

Who is the main focus in an open adoption?

Your child. Open adoption is a service for your child right through their childhood and adult life. The main consideration is the benefit to your child – open adoption is not provided to fulfil the wishes and hopes of any other person.

Why do we say adoption is 'open'?

It often benefits children when both families (birth and adoptive) remain in contact after adoption. For this reason, open adoption is now very different from the 'closed' adoptions that took place before the mid-1980s. In a closed adoption, parents and children had no contact or information about each other. Parents and adoptive parents did not get to know each other. Often, children were not told they were adopted or given information about their family.

Today, an adopted child is supported to remain connected to their family and their culture. Openness is built into adoption law and practice in NSW.

How is openness practised?

Open adoption requires an open attitude and a commitment to sharing time and information between two families. An open attitude refers to a number of things:

- Accepting that the child has more than one family.
- Being willing to know the other family, exchange information and build relationships through family time where possible.
- Providing the child with freedom to talk about their parents, other family members, their culture, and their thoughts and feelings about being adopted.

What role do open adoption agencies play?

Adoption agencies are called accredited adoption service providers. They are committed to adoption where it is assessed as being in a child's best interests. They educate and assess adoptive parents to ensure they are willing and able to support the child's connection to their birth family and culture.

Take a moment : Do you know the difference between the closed adoptions of the past and the open adoptions of today? If no, ask your child's caseworker to explain.

Alternatives to open adoption

Does the Department consider alternatives?

Yes. Before open adoption is planned for a child in out-of-home care, all options regarding the care of the child must be explored. The Supreme Court can only make an adoption order if it is 'clearly preferable' to any other legal action regarding the care of the child.

The Department does not support open adoption unless restoration to birth family and guardianship to a relative, kin or other suitable person have been considered and ruled out.

What are the alternatives?

When restoring your child to your care has been considered and ruled out, the alternative forms of care considered are:

- a Court order that gives parental responsibility to your child's carers until your child is 18, such as a guardianship order
- deciding to leave things as they are now, which generally means your child remains

in long term out-of-home care under the parental responsibility of the Minister for the Department.

These arrangements end when your child turns 18. For some children, they may not provide lifelong permanency, a sense of belonging, or with legal security in the way that adoption does. Open adoption will be progressed for your child where it is decided that this is the best option for them now and in the future.

What is a guardianship order?

Guardianship is an order made by the Children's Court that gives full parental responsibility to a child's carers until the child turns 18. If parental responsibility was previously held by the Minister for the Department, this will end once a guardianship order is made.

Most guardianship orders are made to people who are related to the child.

What does a guardianship order do?

A guardianship order:

- Ends the involvement of the Department or the out-of-home care agency, leaving all parenting decisions with the guardians.
- Does not involve any change to a child's birth certificate. The child's legal ties to their family are unchanged. However, a guardian may apply for a certificate to change the child's name after a guardianship order is made.
- Comes with a plan for how the carers will meet all the child's needs into the future. This includes the child's need to form a positive identity by staying connected to their family, community and culture.
- May be changed. If there is a significant change in situation, an application to change the order can be made to the Children's Court at any time up until the child turns 18.

Important things to remember:

- Your child will remain living with their carers even if alternatives to open adoption are explored.
- Any order made by the Court must be in your child's best interests.
- Guardianship is a good option for many children. Guardians make all parenting decisions. They help children stay connected to family and culture. The child's birth certificate does not change and they remain a legal member of your family.

Take a moment : Do you want to know more about permanent options for children? If yes, ask your child's caseworker to explain or view online information about the Department's Permanency Support Program (websearch: permanency support program).

Chapter 2. I've been told there will be an assessment

This section looks at the adoption assessment. It explains who the assessor is, and what they consider. It explains what the assessor does and how the assessor decides if:

- your child's carers are suitable to adopt, and
- adoption is in your child's best interests.

It also explains the planning that is done to support your child's life after adoption, and how you will be given the opportunity to talk about your views and feelings.

Key points in this section

What is the assessment process?

1. Your child's carer's:
 - a. attend an OOHC adoption seminar to learn more about the responsibilities of being an adoptive parent
 - b. apply to adopt after attending the seminar.
2. An assessor spends time with your child's carers to decide if they're suitable people to adopt a child.
3. The assessor works to meet with you and family members who are important to your child to hear your views.
4. The assessor spends time with your child, to discuss your child's needs, feelings and what matters to them.
5. The assessor gives an opinion. If the assessor supports adoption, an Adoption Plan is drafted with you, your child's carers and your child. The Department or the agency must give their approval before any further action is taken.

What do assessors consider?

- The wishes of your child, as well as your wishes.
- The wellbeing of your child, your child's needs and how they will be met by their carers.
- The most important relationships in your child's life, including their relationships with you, their siblings and with their carers
- Each carer's personality, health, maturity and parenting ability.
- How much the carers value and support your child's family time with you, their culture and religious identity.
- If there is any alternative to adoption that might be in your child's best interests.

What is an Adoption Plan?

- An Adoption Plan is a written agreement about how your child will remain connected to your family and culture if an adoption order is made.
- Agreeing to the Adoption Plan does not mean you consent to the adoption of your child.
- Agreeing to the Adoption Plan means you agree to the arrangements in the plan about staying in touch after adoption.

- 'Registering' an Adoption Plan means the Court can enforce the arrangements in the plan.
- If things change in the future you can seek a review of the Adoption Plan.

Assessment

Why is there an assessment?

Adoption assessment is required by law (the Adoption Act 2000). Its aim is to decide whether:

- the carers are suitable people to adopt your child, and
- adoption is in your child's best interests – better than any other action that could be taken, including leaving things the way they are.

Who conducts the assessment?

The agency that manages your child's care selects a person who:

- is trained to assess whether adoption is in your child's best interests, and
- has not been involved in making other decisions about your child's care.

How long does the assessment take?

The assessment is likely to take around four months. This allows for a fair and full review of all of the factors that must be considered. See 'What do assessors consider?' on the next page. It also allows the assessor to have as many conversations needed to understand important information, views and feelings.

What happens in an assessment?

- The assessor reads information that helps them understand your child's life story – who they are and what has happened in their life.
- The assessor spends time in the carer's household, talking with your child, your child's carers, and any other people who live there.
- The assessor spends time with you, listening to your views and questions about the proposed adoption, understanding the concerns you have and what things matter the most to you.
- The assessor spends time with any other person who is important to your child, e.g. the other parent, a member of the extended family, any other person who has been important in your child's life.
- The assessor looks at ways your child will stay connected to their family and culture.
- The assessor writes a report about the information they have collected and gives their opinion about adoption. The most important thing the assessor will think about is whether adoption is in your child's best interests – not just now, but for their whole life.
- If adoption is recommended, an Adoption Plan is drafted. See section 'What is an Adoption Plan?' on page 19.
- The assessor will explain what happens to the information you give them, and how it will be shared, so you can feel free to be honest about what you think and how you feel.

What do assessors consider?

- Your child's wishes.

- Wishes expressed by you and the carers.
- Your child's age, maturity, level of understanding, gender, background and family relationships.
- Your child's physical, emotional and educational needs.
- Your child's sense of personal, family and cultural identity.
- Any disability or special needs that your child has.
- The relationship and family time that your child has with you, siblings, other family members and other significant people.
- The relationship of your child with each carer.
- The attitude of your child's carers to the idea of being your child's adoptive parents and how they feel towards your child.

How are the carers assessed?

Many factors must be taken into account when assessing whether a person is suitable to be an adoptive parent, such as the person's:

- emotional, physical and mental health
- age and maturity
- skills and life experience
- capacity to parent, provide a stable, secure and positive home for the child and maintain the child's cultural identity and religious faith (if any)
- commitment to maintain family time with the child's family
- general personality
- relationships with other members of the family and people living in their house.

What does the assessor provide when the assessment is complete?

- An assessment report detailing the assessor's opinion about whether:
 - the carers are suitable to adopt, and
 - adoption is in your child's best interests and better than any other option and, if adoption is recommended
- A draft Adoption Plan, which suggests the ways your child will be helped to know and value their identity if an adoption happens. This includes a plan of family time with you and other important people. See more about Adoption Plans in the next section.

What will happen next?

If the assessor recommends adoption, a decision-maker in the Department or the agency decides whether approval should be given to continue towards adoption. Approval means the Department or the agency's Principal Officer will take action to get an application ready for the Supreme Court.

The assessor may not recommend adoption, or the decision-maker may not give approval to proceed. In these cases, no action will be taken towards adoption. This does not necessarily mean that adoption will never be considered again.

It is possible that the matter will be placed on hold and reviewed at a later date. It is also possible that another permanency option is considered to be better for your child. No matter what is decided, the Department or the agency will contact you about the outcome

of the assessment and involve you in the next steps.

Adoption Plan

What is an Adoption Plan?

An Adoption Plan is a written agreement about how your child will remain connected to your family and culture if an adoption order is made. It outlines some or all of the following:

- The names your child will be known by if an adoption order is made.
- How your child is going to learn about who they are and where they came from – things like their family history and culture.
- The family time your child will have with you, their siblings and other important family members:
 - The Adoption Plan will say when you will meet, where, how often, and who will be there if face-to-face family time is best for your child.
 - It will also mention other ways of keeping in touch.
- The kind of information you will receive about your child – things like important life events, how things are going for them, including their health.
- The kind of financial support or other help needed to make sure the Adoption Plan can be carried out.

Who is involved in an Adoption Plan?

An Adoption Plan is agreed to by two or more of the following people:

- Your child
- Each parent
- Your child's carers
- The Secretary of the Department
- The Principal Officer of an adoption agency.

Agreement is shown by signing the plan. Remember: even if you don't consent to adoption, you will be given the opportunity to tell the agency the ways you would like to stay connected to your child.

How will I be involved in the Adoption Plan?

An important purpose of the adoption assessment is to understand your wishes for future family time with your child, and the things that are important to you in keeping your child's identity, language and cultural ties strong. See section 'I've been told there will be an assessment' on page 17.

If adoption is approved, the Department or the agency will contact you to gather your views and include them in the Court Report. You will also be asked if you want sign the Adoption Plan when the adoption application is ready for Court.

You, important family members in your child's life and their carers will be asked to contribute to the draft Adoption Plan. There will be time to discuss different opinions and make the plan better. It's important to have an Adoption Plan that everyone can stick to, because there won't be a caseworker to help out after an adoption order is made.

Each parent will be asked to read and sign the finished Adoption Plan. It is important that you talk openly with your child's carers and their caseworker about what you want and how you feel.

Is agreeing to the Adoption Plan the same as giving consent?

No. Agreeing to the Adoption Plan does not mean you agree to the adoption of your child. It means you agree to the arrangements that have been made to keep you and your child connected if an adoption order is made. If you sign the Adoption Plan, you become a 'party' to the plan. That means that if the adoption goes ahead, you can:

- ask the Court to register the plan when the adoption order is made, so that it forms part of the Court's order and is enforceable by the Court
- apply to the Court for a review of the Adoption Plan at any time after the order.

How do I know my child's carers will stick to the plan?

Adoption Plans often include other people apart from birth parents and carers. Other parties mentioned in the plan such as grandparents, siblings, aunts and uncles also play a role in ensuring the plan is followed and family time continues. Following the plan is also a requirement of the Court. See section 'Changing family time (contact)' on page 44.

However, Adoption Plans cannot predict all of the changes that may happen in the future. Any party mentioned in the Adoption Plan may experience a change in circumstances. For example, one of the parties might:

- move to another location
- experience an accident or illness
- find some family time visits too difficult because of the emotional affects.

For a plan to work effectively, every party in the plan will need to show continuing commitment and flexibility based on the child's best interests.

If the adoption goes ahead, and you think your child's adoptive family is not committed to the Adoption Plan, seek the support of a post-adoption service such as the Department's Adoption Information Unit. See section 'I'd like more information' on page 49 at the end of this booklet.

Important things to remember:

- The Court reviews the Adoption Plan to make sure the child will stay connected to their family and culture.
- The Court has the power to review an Adoption Plan and change it if necessary.
- The Court has the power to enforce a registered Adoption Plan.
- Signing an Adoption Plan gives you the legal right to seek to have the Plan enforced, see page 44 for more information.

Take a moment : Do you understand the purpose and the activities of the assessment and the Adoption Plan? If no, ask your child's caseworker.

Chapter 3. I've been asked if I want to consent to my child's adoption

This section looks at what it means to give consent to your child's adoption. It explains whether or not you have to consent, and what happens if you change your mind.

Key points in this section

Can my child still be adopted if I don't give consent?

YES. The Supreme Court can make an adoption order without your consent under these situations:

- Your child is in foster care and has a stable relationship with their carers, and adoption will benefit your child.
- A parent cannot be found, or identified.
- There is serious concern for the welfare of your child if an adoption order is not made.
- You are unable to give consent due to a mental health issue or intellectual disability.

How do I give consent

1. First, you will receive this booklet.
2. Then you will talk to a registered adoption counsellor so you understand the legal and emotional effects of adoption.
3. You can give consent to the adoption 72 hours after seeing the counsellor, but no more than 30 days after.
4. You would sign a document called an 'Instrument of Consent'.
5. You would also be given a document that lets you take back your consent if you change your mind within 30 days.

About consent

Why am I being asked to consent?

It's the law. Each child's parent and any person who has parental responsibility must be asked whether they want to give consent to the adoption. Even if you no longer have parental responsibility for your child, the law requires that you are asked if you want to consent. Parents do not have to discuss their views about consent with each other, or agree with one another. Choosing whether or not to consent is a personal choice. Your decisions will be based on many factors.

Some reasons you might want to consent are:

- Your child is happy living with their carers.
- You have a good relationship with your child's carers.
- You believe that adoption is the best choice for your child if they can't live with you.
- You want your child to know you were part of this decision.
- You are confident that you will remain connected with your child as set out in the Adoption Plan.

What if I don't want to give my consent?

You don't have to. In fact you do not have to take any action at all. Many parents choose not to consent, even if they feel that their child is being well cared for.

Some reasons you might not want to consent are:

- You don't want to end your parental rights.
- You don't want your child to have new birth certificates.
- You are worried your relationship with your child will change after adoption.
- You feel confused about what's the best option for your child.
- You don't want your child to think you signed them away.

When will I be asked to give my consent?

The consent of the parents and the Minister for the Department are requested when your child:

- is under 12, or
- has been living with their carers for less than 2 years, or
- does not have sufficient maturity to give consent.

Your child's consent is the only consent needed if he or she is aged 12-18, has been with their carers for longer than 2 years, and has the capacity to give consent.

What will my child think of my decision when they grow up?

Every situation is different and of course it is not possible to know how your child will feel in the future. Some adopted people have said that it helped them when their parents decided to consent. They felt supported.

Other adopted people have said that they understood and respected their parents' feelings in deciding not to consent. It made them feel that their parents wanted to keep them in their lives and would not 'let go' of them.

Can my child still be adopted if I don't consent?

Yes. The Supreme Court can make a 'consent dispense order'. This means the Court can decide your consent is not needed. The Court may do this if it is satisfied that it is in the best interests of your child.

When can a Court dispense with consent?

The Court may decide to dispense with a parent's consent in any of the following situations:

- The parent cannot be found, or identified.
- The parent is unable to consent for reasons such as a mental health issue or intellectual disability.
- There is serious concern for the welfare of the child if an adoption order is not made.
- The child is in foster care and has a stable relationship with their carers, and adoption by those carers will promote the child's welfare.

If I don't consent, does it affect my chances of future family time?

No. Whether you consent or not, it's your right to be involved in adoption planning and to have an ongoing relationship with your child.

An Adoption Plan sets out the family time that you will have with your child if an adoption happens. If you agree to the plan, it does not mean you agree to the adoption.

What is the process for consenting?

If you decide to give consent to your child's adoption, you will be guided through the following steps:

- You must receive a copy of this booklet at least 14 days before giving consent.
- You are provided with registered adoption counselling. The counsellor makes sure you understand what it means to give your consent. They discuss the emotional effects of adoption and the alternatives to adoption that have been considered.
- You can give consent 72 hours after receiving counselling but no more than 30 days after.
- Your consent is given when you sign a document called an 'Instrument of Consent'.
- A qualified person – not the counsellor and not your child's caseworker – witnesses your consent.
- You receive a copy of the Instrument of Consent that you signed, and a 'revocation notice' that tells you the last date on which you may take back your consent. Go to the back of this booklet to take a look at the sample forms.

What does it mean to give my signed consent?

- Your signed, witnessed consent is a legal document.
- It will be given to the Court to show your agreement.
- 'Witnessed consent' means a qualified person watches you sign the consent form.

Take a moment : Do you understand what 'dispensing' with consent is, and how it is possible for an adoption to happen without your consent? If no, ask your child's caseworker to explain, or seek legal advice. See section 'I'd like more information' at the end of this booklet.

Taking back consent

What if I change my mind?

You have a right to revoke (take back) your consent to adoption during the 30 days after you consent. This period starts on the day after you sign your consent.

If I change my mind, how do I take back consent?

You will receive a document called 'revocation notice' at the time of signing consent. If you change your mind and want to take back your consent, you must inform the Court by filling in the revocation notice. You will receive a written reminder no less than 7 days before the end of the revocation period.

You don't have to wait for this reminder. You can revoke your consent at any time during the 30-day revocation period. Go to the back of this booklet to see a sample of the revocation notice.

Who could I talk to about this?

If you are worried about how to revoke your consent, you can ask for help from:

- your child's caseworker
- your local Department's office
- the agency
- a Legal Aid lawyer
- the adoptions clerk at the Supreme Court.

See section 'I'd like more information' at the end of this booklet.

How do I to make sure the Court knows I have changed my mind?

You can get help. You can also take the revocation notice to the Supreme Court yourself, or send it by mail or courier. The notice must reach the Supreme Court no later than 5pm on the 30th day after signing consent.

If the end of the revocation period falls on a weekend or public holiday, then the 30th day is taken to be the next business day.

The address of the Supreme Court is: The Registrar in Equity (Adoption Clerk) Supreme Court of NSW Queens Square, Sydney, NSW 2000

What if I lose the revocation notice?

Your revocation must be in writing. If you lose the notice, you can write a letter that clearly says 'I wish to revoke my consent to the adoption of my child', with the following details:

- The name of your child.
- Your child's date and place of birth.
- Your name, address, phone number.
- The date you gave consent to adoption.
- The agency you are in contact with.

Sign and date your letter before sending it to the Court.

What will happen to my child if I take back consent?

The responsibility for making parental decisions still stays with the Minister for the Department, or a person that the Minister delegates this responsibility to.

As your child is in out-of-home care and adoption has been assessed to be in their best interests, the adoption application can be filed with the Supreme Court even if you take back your consent. The Court can be asked to dispense with your consent (order that your consent is not required).

Take a moment: Do you understand how to 'revoke' consent and let the Court know you've changed your mind? If no, ask your child's caseworker to explain, or seek legal advice. See section 'I'd like more information' at the end of this booklet.

Chapter 4. An adoption application has been sent to Court

This section looks at the Court process. It explains how you can oppose the adoption at Court, and what will happen if you don't oppose it. It also explains what will happen in Court, and what the judge may want to know from you if you oppose the adoption.

Key points in this section

What happens if I don't oppose the adoption?

1. You receive a notice saying that an adoption application has been given to the Court.
2. You can discuss the application with a lawyer.
3. You have 14 days to decide if you want to oppose the adoption.
4. If you take no action, the application is allocated to a judge.
5. At any time, usually within 60 days, the judge considers the application.
6. The judge decides if adoption is in your child's best interests and makes an order.

How do I oppose the adoption?

1. You receive a notice saying that an adoption application has been given to the Court.
2. Within 14 days, you must tell the Court that you oppose the adoption and you want to attend Court to explain why. Talk to a lawyer for some advice on the Court proceedings.
3. The Court sets a date for a directions hearing, where the judge outlines the steps in the Court process.
4. You receive documents which show why the Department or the agency supports the adoption; you need to provide information saying why you oppose it.
5. At the preliminary hearing the judge asks and listens to your views and your reasons. The judge may recommend mediation as a way to resolve differences.
6. At the final hearing the judge considers further evidence before making a decision.

What should I say to the judge?

Remember: your lawyer is the best person to talk to about this. You may want to explain:

- Why you don't want the adoption to go ahead, including your reasons for thinking it might not be best for your child.
- Options instead of adoption that you think would be better, including leaving things the way they are.
- Why you think the arrangements in the Adoption Plan are not the best for your child, and what you would rather see.

The Court process

Court action has started for the adoption of my child.

If the Department or the agency has filed an adoption application for your child, you will receive a Notice of Application for adoption orders. The notice tells you that Court action has started for the adoption of your child. You need to decide whether you want to oppose the adoption order in Court.

- If you oppose the adoption, you will be expected to attend Court and tell the judge why you don't agree with it.

- If you don't oppose, the judge will make a decision in the office (in chambers).

You may want to talk to a lawyer to help you consider what's involved. You may also want to see a counsellor to talk about how the adoption application is making you feel.

Remember, an adoption can happen without your consent. See section 'I've been asked to consent to my child's open adoption' on page 25.

You might also receive another kind of notice, called Notice of Intention to Seek a Consent Dispense Order. You will get this notice if your child is under 12 and you have not given your signed consent to the adoption. This notice means that the Court has been asked to rule that your consent is not needed.

How much time do I have to oppose my child's adoption?

You have 14 days from the date you get the Notice of Application to lodge a form called a Notice of Appearance. Lodging this form tells the Court that you want to appear in Court to explain why you oppose the adoption.

What will happen if I don't oppose the adoption?

There are many reasons why some parents don't oppose the adoption. Some of the reasons parents might consider when deciding whether or not to oppose are similar to the information found in the section 'About consent' on page 24. If you don't oppose the adoption in Court, the judge will consider the application and make a decision based on what is best for your child.

Next steps: The next section talks about the Court process when a parent is opposing the adoption. If you are not opposing the adoption, see section 'My child has been adopted', on page 37.

I want to oppose the adoption. Who should I speak to?

You are strongly encouraged to seek legal advice as soon as possible.

A legal representative can help you to:

- consider your reasons for opposing the adoption, and put them into words
- organise the next steps on your behalf
- manage all family time with the Court and other legal representatives
- prepare your evidence in a form that is accepted by the Court
- prepare for your appearance at Court so that you know what is expected and you feel ready.

See section 'I'd like more information' on page 49 for details of legal support services that may be able to assist you.

Who can help me to fill out the form?

Your lawyer or Legal Aid NSW can help you to fill out the Appearance form.

The address of the Supreme Court is:

Street Address

Supreme Court of New South Wales Law Courts Building 184 Phillip Street
SYDNEY NSW AUSTRALIA 2000

Postal Address

The Registrar, Equity Division Supreme Court of NSW
GPO Box 3, SYDNEY NSW AUSTRALIA 2001

What do I need to give the Court?

Provide the Court with two copies of your Notice of Appearance. The Court will give a stamped copy back to you.

What happens next?

After you lodge a Notice of Appearance, the case is allocated to a Supreme Court judge, who sets a date for a 'directions' hearing. You will be given at least five days' notice of this date.

What happens at the directions hearing?

The proceedings of the Court usually run over a number of months. They start with a directions hearing. This hearing is held to decide which people are 'parties' to the Court proceedings – people who are directly involved. It is also held to decide what will happen next, and when it will happen. This hearing doesn't aim to make decisions about the adoption application.

If you are represented by a lawyer, you don't need to attend the directions hearing. At the directions hearing, the judge will acknowledge that you wish to oppose the adoption. If there is any other person who wishes to oppose the adoption, the judge can make an order 'joining' that person as a 'defendant'. Otherwise, you will be the only defendant. The Secretary of the Department is known as the 'plaintiff', which is the party that started the Court action.

The Court makes orders setting out a timetable for the Court process, including when you will be provided with the Secretary's evidence, and when you have to provide your evidence. A good example of evidence you might provide is an affidavit – a signed statement by you that gives your reasons for opposing the adoption.

The Court will 'adjourn' (break) the proceedings until a preliminary hearing. The Court will try to schedule the preliminary hearing within three months of the directions hearing.

Will I know what the Department is going to tell the judge?

Yes. Five days before the preliminary hearing you and your lawyer will be given a copy of the Department's evidence. This will include reports on what you, your child and their carers have said about the proposed adoption. It will also include an Adoption Plan and, if relevant, a cultural plan that the carers will follow if an adoption order is made.

What should I tell the judge?

You should speak to your lawyer about what you want to tell the Court. Some parents don't want adoption to be considered. They may want to suggest a different care arrangement for their child. They may want to provide evidence about their own capacity to provide parenting, about changes in their circumstances, and about their relationship with their child.

Some parents are willing to consider adoption but don't agree with the family time that has been planned after adoption, as set out in the Adoption Plan, or the plans to meet their child's cultural needs, as set out in the cultural plan. You should consider the things you want to say and whether there are any people you would like to come to Court as witnesses.

My matter is already in Court and I have no one representing me.

Contact the adoptions clerk at the Supreme Court to find out whether a lawyer will be at Court to help you: 1300 679 272.

What will happen at the preliminary hearing?

At the preliminary hearing, the judge will want to hear evidence for and against the adoption.

You and your child's carers will be asked questions under oath. Your child will not usually be at Court, unless they want to be there, and it is considered in their best interests to be present.

The questions are usually asked by the judge, with no cross-examination. The purpose of the hearing is to focus on the best interests of your child, and to help each party understand the other's position. Although it is not common, a judge has the authority to make an order – including an order of adoption – at the preliminary hearing. The Court will try to schedule the final hearing within three months of the preliminary hearing.

Why are we going to mediation?

At any point during the legal proceedings, the judge or another party may recommend mediation. Mediation means putting a trained person 'in between' the parties so that they can discuss differences away from the Court.

The aim of mediation is for both parties to come to an agreement. For example, there may be an agreement to change the type, or the amount of family time spent after adoption.

There may be an agreement to change the ways that your child learns about, or explores their culture. In that case, the Adoption Plan or cultural plan may be updated.

No matter what the outcome, the result of mediation is confidential, but the judge will be provided with the outcome.

What will happen at the final hearing?

The final hearing relies upon evidence. Witnesses may be cross-examined. You may be required to answer questions from the lawyer representing the Department. The final hearing may include expert evidence, such as the observations and opinions of caseworkers, psychologists, the adoption assessor or other people who have worked with your child. A final hearing usually lasts between one and two days. The judge may make a decision about the adoption in Court. Sometimes the judge will 'reserve judgement' to allow more time to consider all of the evidence. In these cases the judge will give an order at a later date, usually within two weeks.

Court proceedings that may occur when I oppose my child's adoption

Directions Hearing

The judge will join any people (parties) who are directly involved in the Court proceedings and set a timetable for further evidence. If you are represented by a lawyer, you may not need to attend the directions hearing.

Preliminary Hearing

You should attend the preliminary hearing. The judge will hear all the evidence, in person and under oath, directly from you and your child's carers, with no cross-examination.

Final Hearing

You should attend the final hearing. Witnesses may be cross examined and you may have to answer questions from the lawyer representing the Department. Expert evidence may also be included. A judge can make an order at the end of the hearing OR may give an order at a later date to allow time to consider all the evidence.

Remember: A judge has the authority to make an order of adoption at any stage of the proceedings including directions and the preliminary hearing.

Take a moment: Do you understand why there are different hearings (Court days) if you are opposing an adoption? If no, ask your lawyer to explain, or seek legal advice. See section 'I'd like more information' on page 49.

Chapter 5. My child has been adopted

This section looks at what happens after the Court has made an adoption order. It outlines the legal effects of the adoption. It looks at the emotional affects you and your child may experience as a result of the adoption. It also looks at the type of information you and parties to the adoption can access about your child.

Key points in this section

What are the legal effects of my child's adoption?

- Your child is a legal member of the adoptive family.
- The adoptive parents make all the parental decisions about your child's upbringing.
- Your child has the right to inherit from their adoptive parents.
- They can take their adoptive family's last name if they wish.
- They get updated birth certificates.
- Their agency and caseworker no longer play a role in making decisions about your child.

How might I feel?

Decisions about adoption can be hard and at times confusing for parents.

In the short term you may:

- Be reminded of the loss you felt when your child was placed in out-of-home care.
- Feel distress that a final decision about your child's care has been made.
- Find that family time with your child brings a mixture of happiness and sadness.
- Find it hard that your child will have a new identity.

In the long term you may:

- Feel a sense of closure and be glad that the Department or the agency are no longer involved.
- Have positive feelings about what adoption is providing for your child.
- Feel an ongoing sense of loss.
- Experience issues with your mental health.

How might my child feel?

It's hard to know. It is likely that they will experience mixed feelings.

Some children have said they feel:

- They can finally relax because they know for sure where they will live and grow up.
- Glad they are no longer a foster child.
- Glad to know there is a plan to stay connected with their family.
- They really 'belong' and are a part of their adoptive family.

Other children have said they feel:

- Upset or confused if their parents don't support their adoption.
- Pulled in two directions, between their parents and adoptive parents.

- Worried they will lose family time with their family.
- Confused about who they are.

Adoption orders

What happens when an adoption order is made?

An adoption order made by the Court transfers all parental rights and responsibilities, guardianship and custody of your child to their carers. It is permanent. Their carers become their legal adoptive parents for the rest of their life.

Can I appeal the decision?

You can apply to the Court to have the adoption order discharged. It is very unlikely that the Court's decision will be changed. That is because the only legal reasons for changing an adoption order are:

- the adoption order, or any consent to the open adoption, was obtained by fraud, duress or other improper means; or
- there is some other exceptional reason.

What changes as a result of an adoption order?

New birth certificates

Once an adoption order is made, the Registrar of Births, Deaths and Marriages issues two new birth certificates for your child:

1. An amended birth certificate that will say your child's adoptive parents and any siblings have been your child's family since birth.
2. An Integrated Birth Certificate (IBC) that will include information about you as the birth parent, any birth siblings as well as your child's adoptive parents and any adoptive siblings.

Both birth certificates can be used for legal purposes, allowing your child to use whichever one they prefer. The original birth certificate can no longer be used for legal purposes. See 'Introducing Birth Certificates' factsheet at the end of this booklet.

Your child will become a legal member of their adoptive family, and they can take their adoptive family's surname if they wish.

Family time (contact)

Open adoption means that when a child is adopted, they are supported to know as much information about who they are and stay connected to family and culture.

After an adoption order, the Adoption Plan takes effect. See page 19 for information about Adoption Plans.

Inheritance

When an adoption order is made, your child:

- has the right to receive some of their adoptive parents' money and property after they pass away
- does not have the right to receive your money or property after you pass away.

If you wish to provide for your child after your death, you will have to mention them specifically in your will. Inheritance matters should be discussed with a lawyer.

Emotional effects of adoption on me

How might I feel in the short term?

Parents tell us that when their child has been adopted from out-of-home care, it can be hard for them. You might go through some of the experiences below:

- It can be a reminder that you lost the rights and privileges of parenting when your child was removed and placed in out-of-home care.
- It can bring back the feelings of loss, and sometimes anger, that you felt at that time.
- It can end your last hope that your child may come home.
- It can bring a sense of finality which can be very upsetting.
- It can be upsetting knowing that your child has a new birth certificate and family name.
- It can raise fears about losing family time with your child because there is no more agency involvement.

Some parents may feel positive. For example, you might be:

- Relieved that the legal process is over.
- Reassured that your child has a permanent loving home for life.
- Glad to see that your child is the same person, with the same nature, and that adoption does not change who they are inside.
- Confident that adoption is the best choice for you now and in the future.
- Glad that you can continue to stay close to your child and have regular family time.

How might I feel in the long term?

It is likely that you will always feel some sense of loss. You might go through some of the following:

- Some parents have said that their mental and emotional health was affected and they needed to get counselling or support.
- Ongoing family time with your child means that you won't have to wonder how your child is or what they look like, but it is a constant reminder that someone else is taking care of them.
- Family time with your child may bring a mixture of happiness and sadness.
- Your biological connection can never be taken away, but it can be difficult knowing that your child now has another parent
- Your relationship with your child may be easier at some times than others. You might go through stages where you find it hard to maintain family time with your child because of your feelings of loss and regret.

You may also feel:

- growing confidence that family time with your child will not be 'taken away' and that you will always be a part of their life
- positive about the things your child is achieving and the future that they have
- that you can move on positively with your life and not be 'stuck in the past' and the feelings of that time.

See section 'I'd like more information' on page 49 to identify support services that might be available to you.

How might I feel about my child's adoptive parents?

Your relationship with your child's adoptive parents may be difficult at times. You may have hard feelings about them for having your child in their care. These feelings are not likely to be as strong if you are able to keep in regular contact with your child.

You may also have a good relationship with your child's adoptive parents because family time is going well and you are both proactive with staying in contact.

How might I feel about myself?

It can be difficult being a parent who is not raising your child. People in your life may not know how to acknowledge you as a parent and you may feel hurt and disappointed by the way they handle this.

Special occasions like Mother's Day /Father's Day or your child's birthday can be hard.

You might not want to tell some people that your child has been adopted, and you might find it difficult to think of yourself as being a parent.

How might I feel about my child?

Some parents feel positive about the benefit adoption is providing for their child. They may have:

- chosen to give consent to their child's adoption because they felt that their child was happy and well looked after
- a good relationship with their child's adoptive parents
- comfort in knowing that their child will remain with a family who will always love and care for them.

Other parents may feel that the adoptive family doesn't 'get' their child the way they do. They may not:

- share or understand the things that are important to their child's adoptive family
- have a lot of interest in the activities that the adoptive family is involved in, and they may feel some frustration that their own preferences are not as important to the adoptive family.

Take a moment: Do you have strong feelings about the adoption of your child?

If yes, consider seeking professional counselling or linking with people who have a shared experience. See section 'I'd like more information' on page 50 for contact options.

Emotional effects of adoption on my child

How might my child feel?

It is hard to predict how your child will feel after adoption. Some children have said that after being adopted they feel:

- upset or confused if their birth parents don't support their adoption
- sad that they couldn't live with their birth family
- Worried that they will lose family time with their parents, siblings or other important family members
- pulled in two directions, between their birth parents and adoptive parents
- confused about who they are
- worried about 'keeping the peace' between their families.

Some other children have said they feel:

- they really 'belong'
- secure and safe, because they now know for certain where they will be staying
- glad that they are no longer a foster child or a 'child in care'
- glad to know there is a plan to stay connected with birth family
- more relaxed and happy now that a final decision has been made.

Changing family time after an adoption order

Can I change the Adoption Plan?

If circumstances change and the Adoption Plan no longer meets the best interests of your child, get the help of a post-adoption service such as the Department's Adoption Information Unit, on page 50. They can help everyone to reach an agreement to prevent going to Court. If an agreement can't be reached, legal options are available. Anyone who is part of the Adoption Plan (has signed it) can apply for a formal review of that plan by the NSW Supreme Court.

If you are part of a registered Adoption Plan, you have the right to ensure the plan is followed. If you believe that the registered Adoption Plan isn't being followed, you may apply to the NSW Supreme Court to have the plan enforced. If you are unsure of your rights and obligations, get independent legal advice as soon as possible. See section 'I'd like more information' on page 50.

Do I have to go to Court to ask for a review of the Adoption Plan?

No. If arrangements have changed and you are not able to reach an agreement with your child's adoptive parents, you can ask the Department's Adoption Information Unit or the agency to help reach an agreement through mediation.

An adoption needs to meet the changing needs of children as they grow up. Being flexible and considering the changing needs of the child and of each family will make it easier for everyone to remain connected and enjoy time spent together. Ideally, it is hoped that both families understand these changes and are willing to reach an agreement that suits everyone.

What happens after a review of an Adoption Plan by the Court?

The Court makes an order that they consider is in the best interests of the child and proper in the circumstances. The Court may:

- order changes to the plan, or
- revoke (cancel) the plan, or
- confirm the existing plan without changes.

If the Court makes changes to the Adoption Plan, the new plan replaces any previous Adoption Plan.

Information sharing in an open adoption

In an open adoption, parties are able to give and receive important information about each other. This information can help parties understand each other better and allow relationships to grow. If your child is adopted, the Department will send you the booklet *Adoption Act 2000: How it affects you*. This booklet has information about:

- who can receive information about you
- what information you can get about your adopted child now and in the future

- what information non- adopted siblings can get about your adopted child

There are different types of information you can get, depending on whether your child is over or under 18 when you are asking for it. The booklet will provide detail, but here are the key facts:

- Your child can know about you and your culture. This can help them develop a full sense of identity.
- You and your other children can know about your child's life. This can help to ease worries you and your other children may have about whether your child is safe, well and happy.
- You are all able to connect with each other and form relationships.
- Your child's adoptive parents are in a better position to speak with and support your child when they ask questions about you and your culture.

What information can I access now?

At any time, you can ask the Department's Adoption Information Unit or the agency that arranged your child's adoption, for information that does not reveal their full name and where they live. This is called non-identifying information and can include:

1. Information about your child's life before they were adopted:
 - Photos.
 - Medical and school reports.
 - Original birth certificate.
 - Children's Court documents.
 - Adoption consent forms if you signed them.
 - Information about your child's carers (now adoptive parents) and your child's life with them.
 - Any letters and photos the carer gave to the Department or your agency to give to you.
 - Your child's hobbies and interests at the time
2. Information about your child's life now:
 - Hopefully, the type of family time arrangements set out in your child's Adoption Plan are allowing you to learn about your child's life now.
 - If the Adoption Plan is not doing this, the Department or your child's agency can share non-identifying information with you about your child's life. They can also support the adoptive parents to share information that has been agreed to in the plan.

It has been difficult for me to stick to the Adoption Plan. How can I reconnect with my child?

There are many reasons why you may not have been able to stick to your child's Adoption Plan. If you want to reconnect with your child, the Department's Adoption Information Unit or your child's agency can provide you with non- identifying information such as:

- a copy of the Adoption Plan
- messages/photos which may have been left for you by your child's adoptive family
- information about your child's life – their interests, hobbies, what life with their adoptive family looks like

- if your child's adoptive placement has broken down.

They can also help you to make contact with your child and their adoptive family to restart your involvement in your child's Adoption Plan, if this is what you want.

What should I do if I want identifying information about my child?

You can apply to the Department for an Adoption Information Certificate (AIC) to obtain identifying information about your child and their adoptive parents.

Identifying information can include your child's:

- full adopted name
- date of birth
- address at the time the adoption was arranged.

Some documents that have identifying information about your child are their:

- new birth certificate and Integrated Birth Certificate
- birth record – which has the adopted person's names, before and after their adoption, and the names of all of the people involved in the adoption.
- adoption Court order.

Before an AIC can be provided to you, an assessment must be made to make sure that giving you this identifying information would not pose any risk to the safety, welfare or wellbeing of your child or their adoptive parents. If risks are identified, it is possible that an AIC will not be issued.

If an AIC cannot be issued, an Adoption Information Unit caseworker will contact you to discuss your options. If an AIC is issued, you can apply for further identifying and non-identifying information which will help you to know about your child and reconnect with them. You don't need permission from the Department to access identifying information about your child after they turn 18.

You may apply directly for information from the Registry of Birth, Deaths & Marriages, to the Department, or from any other agency that might have the information you want.

What identifying information will my child and the adoptive parents have about me?

After an adoption order is made, your child's adoptive parents will be given a copy of the adoption Court order and the child's original birth certificate. These documents will record your name and may record your address at the time of your child's birth. If you have concerns about the type of information that will be passed on to your child and their adoptive parents about you, you should ask your child's caseworker to explain:

- how the information may help your child and their adoptive parents
- how the information will be used, stored and passed on
- how you may be able to request a change or update of the information.

What information can my other children have about their adopted brother or sister?

The information your non-adopted children can receive will depend on whether they and their adopted sibling are under or over 18. Call an Adoption Information Unit caseworker to find out more information.

Reunion and Information Register (RIR)

People who have been separated by an adoption or lost contact with a family member and want to make contact or exchange messages can put their name on this register. When there is a matching registration of two or more people on the register, an Adoption

Information Unit (AIU) caseworker can help them to make contact with each other or pass on a message. You can speak with an AIU caseworker to find out how to have your name entered on the Register.

What if I am worried about my child contacting me?

Some birth parents choose not to spend time with their child or receive information about them, after an adoption order is made. If this is your wish, it is important you know that you may be contacted by your child in the future. Most adopted people and adoptive parents respect the wishes of parents who choose to have limited or no contact. However, as time goes on, many adopted people have questions that their adoptive parents cannot answer. They may also need medical information about you.

Hearing from your child unexpectedly can have a big impact, not only on you but on your extended family, especially if you have not made the adoption known to them. If family members learn about the adoption later, they can be very upset that important news had been kept from them. This can be a difficult situation to deal with.

Take a moment: There are a number of rules and processes about access to information after adoption. Would you like to save a webpage where you can find this information when you need it? If yes, go to the Department's page 'Finding information on past adoptions' (websearch: past adoptions nsw) and bookmark it OR phone the Department's Adoption Information Unit.

Chapter 6 – I'd like more information

Open adoption service providers

Communities and Justice

Open Adoption and Permanency Services

The NSW Government's open adoption service. Email:

adoption.permanentcare@facns.nsw.gov Websearch: adoption nsw

Communities and Justice Adoption Information Unit (AIU)

Provides services to people after an

open adoption happens, including adopted people and their families.

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

Websearch: past adoptions nsw

Barnardos Australia

A non-government agency that provides adoption services.

Email: info@barnardos.org.au Facebook: Barnardos Australia Websearch: open adoption

barnardos

Life Without Barriers

A non-government agency that provides adoption services.

Email: info@lwb.org.au Facebook: lwb Websearch: lwb

Anglicare

A non-government agency that provides adoption services.

Email: adoption@anglicare.org.au

Websearch: anglicare foster care adoption

Family Spirit

A non-government agency that provides adoption services

Facebook: Family Spirit NSW Email: adoptions@familyspirit.org Websearch: family spirit

adoption

Key Assets

A non-government agency that provides adoption services.

Email: info@keyassetsnsw.com.au

Websearch: key assets

Funded Support organisations

Relationships Australia

Provides counselling and mediation services to support families, including online counselling and Aboriginal counselling.

Email: enquiries@ransw.org.au

Websearch: Relationships Australia NSW

Post Adoption Resource Centre (PARC)

Provides information, counselling and support to people affected by adoption. PARC also has a bookshop and library with information on open adoption.

Email: customercare@benevolent.org.au

Websearch: parc adoption

Family Relationships Online

A national service that can link people with a local service provider to find the best support for your circumstances.

Email: enquiries@ransw.org.au

Websearch: family relationships

Legal advice**The Law Society of NSW Solicitor Referral Service**

Provides counselling and mediation services to support families.

Email: ereferral@lawsociety.com.au

Websearch: the law society of nsw

Law Access NSW

A telephone-based legal information and referral service.

Phone: 1300 888 529

Websearch: law access

Community Legal Centres

Free legal services to people who need help with housing, fines, and family matters.

Email: clcnsw@clcnsw.org.au

Facebook: Community Legal Centres NSW

Websearch: clcnsw

Community Justice Centres

Provides free mediation services to help people solve disagreements, including family members and former partners.

Email: cjc_info@agd.nsw.gov.au

Websearch: community justice centres

Intellectual Disability Rights Service NSW

Provides help with legal problems, including support for people at police stations and Courts, and people at risk of losing care of their children.

Email: IntakeJAS@idrs.org.au

Websearch: idrs

Financial support services**Centrelink Service NSW**

Delivers a range of payments and services for people at times of major change. Contact Centrelink to enquire about what payments and services you may be entitled to.

Websearch: Centrelink

Support organisations: members with personal experience of adoption**Adoption and Permanent Care Association of NSW (APA)**

Offers support via Facebook for individuals and couples and wanting to be permanent carers and adoptive parents to children in NSW.

Facebook search: APA NSW

Chapter 7. Attachments to read with this booklet

- Integrated Birth Certificate factsheet: Information on the new birth certificates issued when an Adoption Order is made.
- Sample Consent and Revocation forms: Please do not fill out or sign these forms as they are samples only.

If you decide to consent or take back (revoke) your consent, you will be given the actual forms. The sample forms in this section include:

Providing consent to your child's adoption

- Statement of a counsellor
- Statement of person qualified to witness a consent
- General Consent to adoption of a child
- Statement of a person qualified to witness consent at the time consent is signed

Taking back (revoking) consent to your child's adoption

- Revocation Notice

If you have questions about the forms, you can talk with your child's caseworker or a lawyer and ask them to explain the details.

Factsheet: Introducing Integrated Birth Certificates for adopted people

The Adoption Legislation Amendment (Integrated Birth Certificates) Bill 2020 authorises the issuing of Integrated Birth Certificates to adopted persons in NSW by amending the Adoption Act 2000 and the Births, Deaths and Marriages Registration Act 1995.

What is an integrated birth certificate?

An Integrated Birth Certificate (IBC) is a new form of birth certificate that includes information about an adopted person's parents and siblings at birth, as well as their parents and siblings after adoption.

Why is this reform being introduced?

When an adoption order is made in NSW, the Registrar of Births, Deaths and Marriages (BDM) issues a post-adoptive birth certificate for the adopted person. The new birth certificate that is issued, records the child's adoptive parents and makes no reference to the child's parents at birth.

Post-adoptive birth certificates are consistent with the legal effect of adoption but do not reflect contemporary "open" adoption practices, which promotes connection to birth family and cultural heritage wherever possible. An IBC better reflects the full identity of an adopted person.

Will IBCs be recognised as a legal document?

An IBC and post-adoptive birth certificate are both valid identity documents, allowing an adopted person to use whichever birth certificate they prefer for legal purposes.

What would happen when the Bill commences?

Where a person is adopted and the adoption is registered in NSW, the Registrar of BDM will automatically issue both a post-adoptive birth certificate and an IBC.

People adopted prior to the commencement of the reform will be able to apply for an IBC.

How do people adopted before the commencement of the reform apply for an IBC?

If the person was adopted on or after 1 January 2010:

- The Registrar of BDM can issue an IBC to the adopted person on application. The consent of the person's adoptive parents will be required if they are under 18 years of age.

If the person was adopted before 1 January 2010:

- The Registrar of BDM will require an Adoption Information Certificate from the Department of Communities and Justice before issuing an IBC to the adopted person. If the person is under 18, the application can only be made with the consent of their adoptive parents and birth parents.

Adoptive parents and birth parents can also apply for an IBC in certain circumstances.

For more information visit:

Registry of Births, Deaths & Marriages

www.nsw.gov.au/births-deaths-marriages

Department of Communities and Justice

www.facs.nsw.gov.au/families/adoption