



**Australian Government**

**Australian Institute of  
Health and Welfare**

# Adoptions Australia 2011–12

CHILD WELFARE SERIES NO. 54



**Australian Government**

**Australian Institute of  
Health and Welfare**

*Authoritative information and statistics  
to promote better health and wellbeing*

CHILD WELFARE SERIES

Number 54

# **Adoptions Australia**

**2011–12**

Australian Institute of Health and Welfare  
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- Department of Family and Community, New South Wales
- Department of Human Services, Victoria
- Department of Communities, Child Safety and Disability Services, Queensland
- Department for Child Protection, Western Australia
- Department for Education and Child Development, South Australia
- Department of Health and Human Services, Tasmania
- Community Services Directorate, Australian Capital Territory
- Department of Education and Children's Services, Northern Territory

The AIHW is a statistical agency; enquiries from people wishing to adopt or find out more about the adoption process in Australia should be directed to the above departments.

# Abbreviations

AIHW	Australian Institute of Health and Welfare
ABS	Australian Bureau of Statistics
AGD	Australian Government Attorney-General's Department
DCCSDS	Department of Communities, Child Safety and Disability Services
DECD	South Australian Department for Education and Child Development
DHS	Victorian Department of Human Services
DHHS	Tasmanian Department of Health and Human Services
DIAC	Department of Immigration and Citizenship
HCCH	Hague Conference on Private International Law
HRSCFHS	House of Representatives Standing Committee on Family and Human Services
NCCC	Nationally Consistent Core Curriculum
OCYFS	Australian Capital Territory Office for Children, Youth and Family Support

# Symbols

–	nil or rounded to zero
..	not applicable
n.a.	not available
n.p.	not publishable because of small numbers, confidentiality or other concerns about the quality of the data

# Summary

## **Falling intercountry adoption numbers contribute to overall decline**

The 333 finalised adoptions in 2011–12 was the lowest annual number on record – a 13% fall from the previous year’s low of 384 and a 78% decline from the 1,494 adoptions 25 years earlier in 1987–88.

For the first time since 1998–99, more Australian children (184) were adopted than children from overseas (149, excluding expatriate adoptions) (55% and 45%, respectively).

While the long-term fall is more notable for the number of Australian children adopted (an 84% decline from 1987–88 to 2011–12), the number of intercountry adoptions in 2011–12 continued a 7-year pattern of decline (resulting in a 52% decline from the 308 intercountry adoptions in 1987–88).

The long-term fall in numbers can, in part, be attributed to legislative changes, such as the increased use of alternate legal orders in Australia, as well as broader social trends and changing social attitudes which have made it easier for children to remain with their birth family or within their country of origin.

## **The proportion of infants adopted from overseas continues to decline**

Although the majority of children adopted from overseas in 2011–12 were under 5 years of age (79%), the proportion of infants under 12 months has declined – from a peak of 47% of all intercountry adoptions finalised in 2005–06 to 23% in 2011–12.

## **Intercountry processing times continue to rise**

Despite Australian Central Authorities maintaining or improving the time taken to complete the aspects of the intercountry adoption process they are responsible for, the median length of time from the approval of an applicant to the placement of a child has increased (from 37 months in 2007–08 to 56 months in 2011–12).

The rise can, in part, be attributed to the increased time taken by countries of origin to allocate children after receiving files from Australia (19 months in 2007–08 to 30 months in 2011–12).

## **Birth mothers of local adoptees are younger and unlikely to be married**

The majority of birth mothers of children who were the subject of a finalised local adoption in 2011–12 were not in a registered marriage (85%). The median age of the birth mothers was 22, which is 9 years younger than that of all mothers giving birth in 2010, and 5 years younger than that of all unmarried mothers giving birth in 2010.

## **‘Open’ adoptions continue to be the main arrangement in local adoptions**

Almost all (95%) local adoptions in 2011–12 could be considered ‘open’ – that is, all parties were happy to allow a degree of contact or information exchange between families.

## **Adoptions of Australian children by ‘known’ carers at 10-year high**

The 70 adoptions in 2011–12 by ‘known’ carers, such as foster parents, represented a 10 year high for this type of adoption – more than double the 29 such adoptions in 2002–03.

# 1 Introduction

Adoption is one of a range of options used to provide permanent care for children who are unable to live with their birth families. It is a legal process where rights and responsibilities are transferred from birth parents to adoptive parents. When an adoption order is granted, the legal relationship between the child and the biological parents is severed. The legal rights of the adopted child become the same as they would be if the child had been born to the adoptive parents. The legal rights that exist from birth regarding the birth parents (inheritance and name, for instance) are removed. A new birth certificate may be issued for the child bearing the name(s) of the adoptive parent(s) as the legal parent(s), and the new name of the child, if a change has occurred.

Access by the birth parents or other relatives to the adopted child (referred to in this report as an 'open' adoption) is facilitated in all states and territories. The degree to which this occurs varies across the jurisdictions (see Appendix B.2).

The data in this report were collected from each of the eight state and territory departments responsible for adoption, and collated and analysed by the Australian Institute of Health and Welfare (AIHW). The data were extracted from the administrative systems of the state and territory departments according to definitions and technical specifications agreed to by the departments and the AIHW. Definitions of terms used in the data collection are in the Glossary. The Australian Government Department of Immigration and Citizenship (DIAC) also provided data on the number of adoption visas issued during 2011–12.

Due to the nature of this data collection, some analyses contain small counts. These data have been cleared for release by the state and territory departments responsible for adoption and in a number of instances reflect data that are publicly available elsewhere at the same level of disaggregation. Further information on the data contained in this collection can be found in the data quality statement in Appendix D.



## 2 Adoptions in Australia

### 2.1 Categories of adoption

The categories used in this report are:

- **Intercountry adoptions** – adoptions of children from countries other than Australia who are legally able to be placed for adoption (see Section 2.2), but who generally have had no previous contact or relationship with the adoptive parents. Expatriate adoptions are not included in the numbers for intercountry adoptions (see Glossary for definition).
- **Local adoptions** – adoptions of children who were born or permanently residing in Australia before the adoption, who are legally able to be placed for adoption, but who generally have had no previous contact or relationship with the adoptive parents.
- **‘Known’ child adoptions** – adoptions of children who were born or permanently residing in Australia before the adoption, who have a pre-existing relationship with the adoptive parent(s) and who are generally not able to be adopted by anyone other than the adoptive parent(s). Known child adoptions include adoptions by step-parents, other relatives and carers (see Glossary for definitions). Intercountry known adoptions are not included in this publication.

### 2.2 Adoption legislation and processes

A child is legally able to be adopted if all the necessary consents to the child’s adoption have been obtained or dispensed with (dispensation refers to the legal process where a court declares that the consent of a parent is not required for an adoption order to be granted). People wishing to adopt a child must satisfy the government department or agency concerned that they will be suitable parents. Factors that may be considered in the assessment of the suitability of potential parents include their parenting capacity, age, health, reasons for wanting to adopt, marital status and the stability of their relationship. There are some variations between jurisdictions regarding eligibility requirements to adopt a child – these are outlined in Appendix B.1. Variations also exist in the eligibility requirements set by countries of origin for intercountry adoptions (see AGD 2012a).

#### Intercountry adoptions

##### Legislation and responsibilities

The adoption process for intercountry children is strictly controlled:

- by each state and territory under the relevant state-level adoption legislation
- by the Australian Government under the:
  - *Immigration (Guardianship of Children) Act 1946*
  - *Migration Act 1958*
  - *Family Law Act 1975*
  - *Migration Regulations 1994*
  - *Family Law (Hague Convention on Intercountry Adoption) Regulations 1998*
  - *Family Law (Bilateral Arrangements – Intercountry Adoption) Regulations 1998*
  - *Australian Citizenship Act 2007*

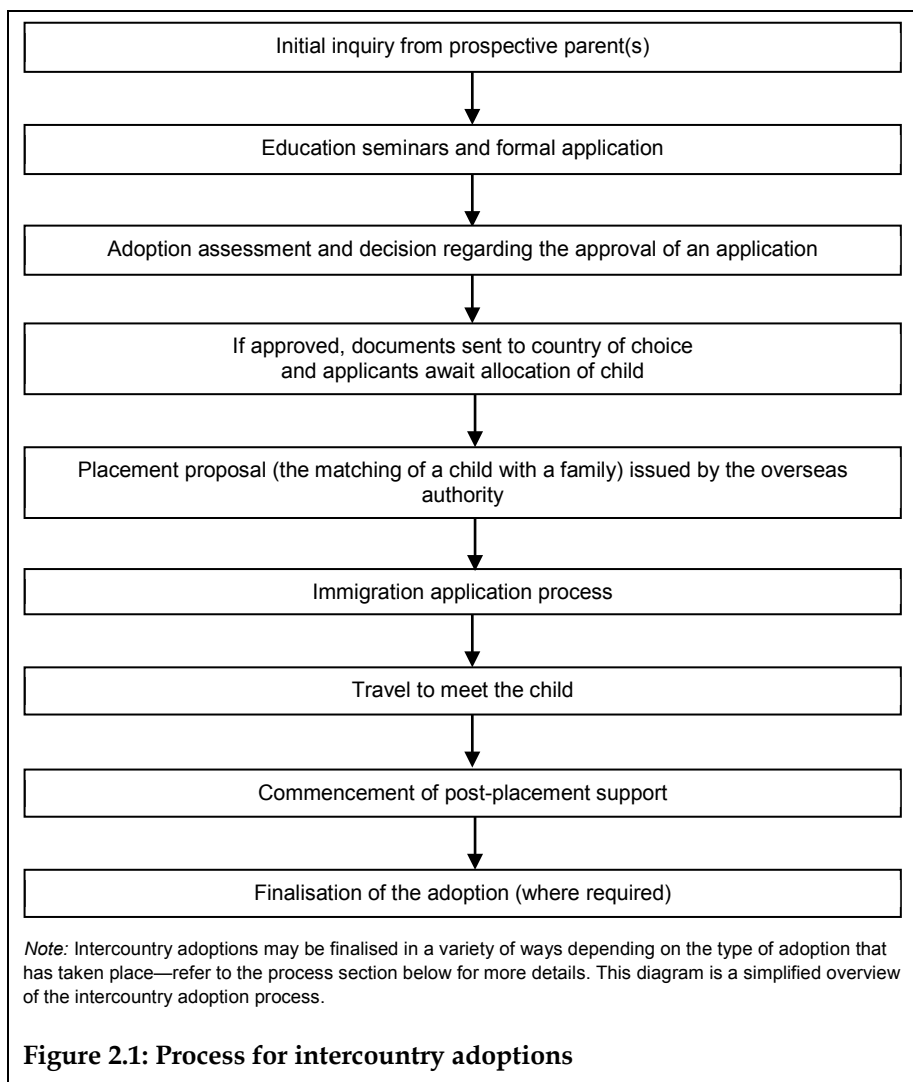
- in accordance with the principles of the *Hague Convention on Protection of Children and Co-operation in respect of Intercountry Adoption* (the Hague Convention) and the *United Nations Convention on the Rights of the Child*.

The Hague Convention has been in force in Australia since December 1998. It establishes uniform standards and procedures between countries, including legally binding standards and safeguards, a system of supervision to ensure that these are observed, and channels of communication between authorities in countries of origin and countries of destination for children being adopted (see Glossary for definitions).

The Convention establishes principles for countries to follow that focus on the need for intercountry adoptions to occur in the best interests of the child and with respect for his or her fundamental rights, and to prevent the abduction, sale of, or traffic in children (AGD 2012b). A list of countries currently party to the Hague Convention is in Appendix C.

The Australian Government Attorney-General's Department (AGD) – the Australian Central Authority for the Hague Convention in Australia – is responsible for ensuring that Australia fulfils its obligations under the Convention. In accordance with its responsibilities for intercountry adoption, each state and territory has also established a Central Authority under the Convention.

The AGD has primary responsibility for the establishment and management of Australia's intercountry adoption arrangements. It works closely with state and territory governments to ensure that programs are effectively and efficiently maintained, and that opportunities for new programs are identified and explored to determine if they meet the standards for the Hague Convention. The state and territory governments are responsible for processing adoption applications, and assessing and approving prospective adoptive parents. Although each state and territory has its own legislation relating to intercountry adoption, the general process is similar across the jurisdictions (Figure 2.1). The AGD and the states and territories work cooperatively to ensure that all of Australia's adoption programs meet the standards of the Hague Convention regardless of whether partner countries are signatories to the Convention.



## Australia’s intercountry adoption programs

Australia has intercountry adoption programs with 13 countries: Bolivia, Chile, China, Colombia, Fiji, Hong Kong, India, Lithuania, the Philippines, South Korea, Sri Lanka, Taiwan and Thailand. For much of 2011–12 an Ethiopian program was also in operation, however, this was closed on 28 June 2012 (see Section 4.1 for more details). Not all of these countries are signatories to the Hague Convention. Bilateral arrangements exist with some countries that are not party to the Convention; however, programs are only established with countries where it can be satisfied that the principles of the Convention are being met, regardless of whether the country is a signatory. Australia is investigating programs with several other countries (AGD 2012a).

Requests to adopt children from countries with which Australia does not have an existing intercountry adoption program are referred to as ‘ad hoc requests’. Ad hoc requests are considered case by case by the relevant state or territory Central Authority. As a general principle, individual ad hoc requests for intercountry adoption are not consistent with Australia’s management of intercountry adoption and requests are only likely to be considered where there are exceptional circumstances. For example, an application may be considered where prospective adoptive parents have a genuine and profound understanding of, and connection with, the culture and circumstances of the overseas country. The relevant

state or territory must have accepted an ad hoc request before prospective adoptive parents are entitled to make a formal application for adoption and be assessed to determine their suitability to adopt. If the request is accepted, applicants will be subject to the normal intercountry adoption process (and waiting times) applicable in their relevant state or territory.

Private adoption arrangements are not supported by state and territory authorities. Adoptions to Australia must either be approved by a state or territory authority or meet requirements for expatriate adoption (AGD 2012c). Refer to the 'Expatriate adoptions' section in Chapter 3 for more information.

## **Process**

The general process for intercountry adoptions is outlined in Figure 2.1.

In addition to the requirements set by Australian adoption authorities, countries of origin also have eligibility requirements for adoptive parents. These include, but are not limited to: age of parents, marital status, current family structure and the family's origin. Fees associated with intercountry adoption vary depending on the country of origin of the child, are subject to change and are affected by a range of factors. Details on eligibility, fees and programs that are accepting applications are on the AGD website (AGD 2012a).

Waiting periods between the approval of an application and the allocation of a child are influenced by a number of factors, including the number and characteristics of children in need of intercountry adoption, the number of applications received and the resources of the overseas authority – factors that are outside the control of Australian authorities. The lengths of waiting times for intercountry adoptions vary from country to country and are generally increasing. For a number of countries, families can often wait 3 to 5 years from the time their application is accepted by the overseas country to when they receive an allocation of a child. Refer to the 'Country of origin' section in Chapter 3 and the 'Adoption of overseas children' section in Chapter 4 for more information.

An intercountry adoption may be finalised in a variety of ways. A full adoption order can be made in the child's country of origin. This order is automatically recognised in Australia if the country is a party to the Hague Convention and has issued an adoption compliance certificate. Alternatively, some children enter Australia under the care of a prospective adoptive parent intending to adopt once the period of post-placement supervision has passed. In this case, the federal Minister for Immigration and Citizenship acquires guardianship of the child when the child arrives in Australia. This guardianship may be delegated to the relevant state or territory minister or departmental officers. The minister's delegated guardianship remains valid until the child turns 18, leaves Australia permanently, becomes an Australian citizen or, in most cases, when an order is made under section 11 of the *Immigration (Guardianship of Children) Act 1946*, which usually occurs after the adoptions is finalised.

## **Local adoptions**

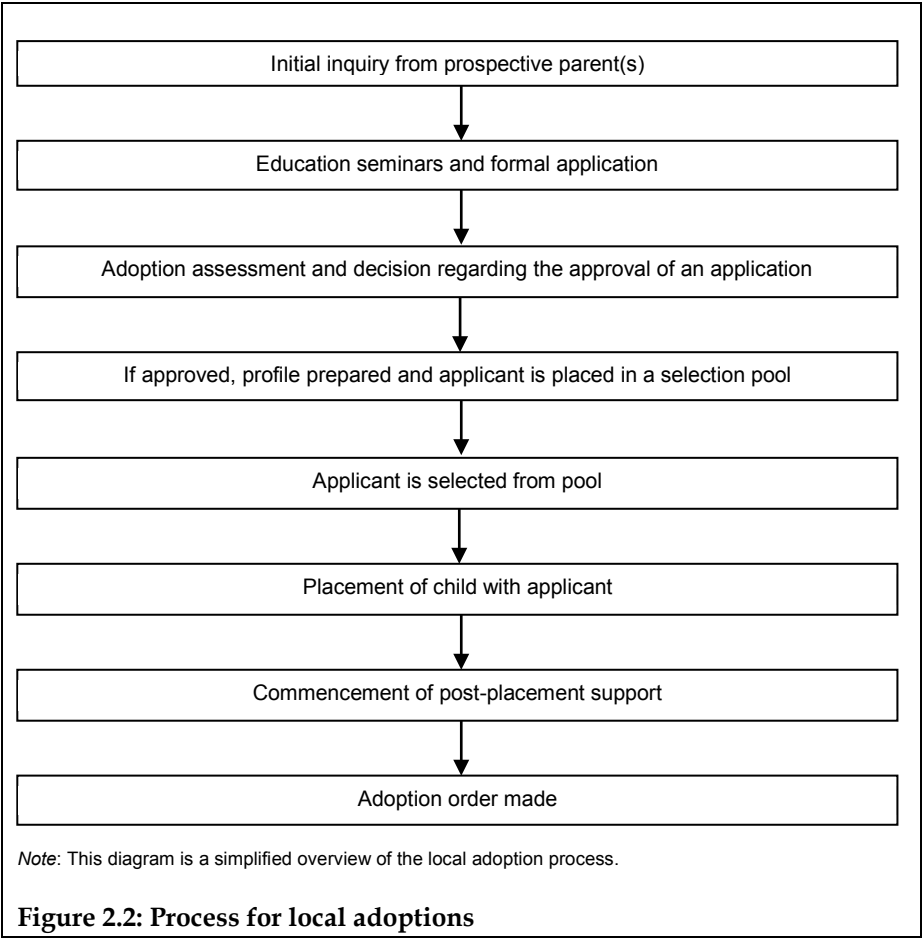
### **Legislation and responsibilities**

Each state and territory has its own legislation that governs local adoption practices – an outline of these is in Appendix B. The relevant state or territory authority for adoption works to ensure that local adoption practices adhere to the regulations set by their jurisdiction.

For local adoptions, the guardianship of a child for whom general consents for adoption have been signed will, in most cases, reside with the state or territory department responsible for the adoption. For some approved non-government adoption agencies, the guardianship resides with the agency’s principal officer. The guardianship of a child remains in force until the adoption order is made, consents for adoption are revoked or some other specified event occurs, such as when a suitable and willing relative is able to care for the child.

**Process**

Figure 2.2 provides an overview of the process involved in the placement of local children with prospective adoptive parent(s), although the precise order of the steps may vary slightly between jurisdictions.



**Known child adoptions**

**Legislation and responsibilities**

Known child adoptions are administered and/or recorded by the department responsible for adoption in each state and territory.

The majority of known child adoptions are by step-parents wishing to incorporate children into the newly formed family, or by long-term carers, such as foster parents. The aim of this type of adoption is to provide the child with a clear legal position, status and stability within the new family arrangement. In some circumstances the adoption may be finalised after the

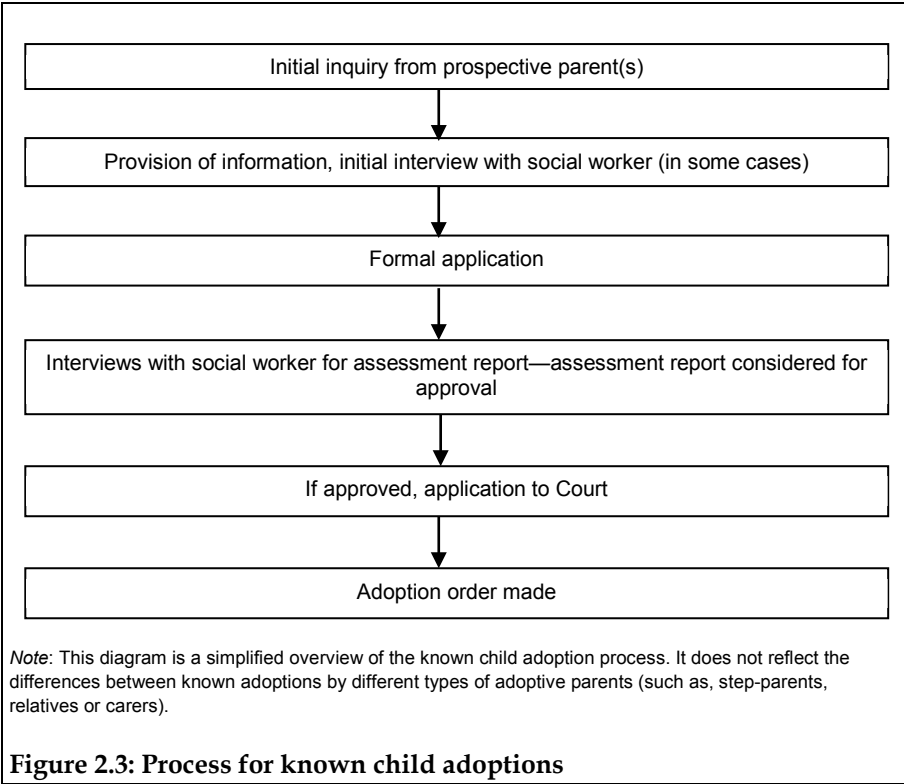
adoptee is legally considered an adult. There are some variations between jurisdictions regarding the role of the department in administering adult adoptions – these are outlined in Appendix B.1. Therefore, not all such adoptions are captured in this report.

Adoption by relatives other than step-parents is less common. This is because most states and territories have policies that promote the use of parental responsibility orders rather than adoption (for example, the use of permanent care and guardianship/custody orders) in instances where a child is to be permanently cared for by another relative. Adoptions by relatives are generally discouraged owing to the confusion and distortion that may occur to biological relationships. For example, if a child were adopted by their grandmother, then the birth parent would legally become the child’s sibling.

In Western Australia, adoptions by relatives other than step-parents are not permitted under the *Adoption Act 1994*, and adoptions by carers can occur only when the child has been in their care for at least 3 years. However, amendments to the *Adoption Act 1994*, to come into operation shortly, will lift or lessen some of these restrictions. In all other states and territories, legislative provisions allow for adoptions by carers, or relatives other than step-parents, only in exceptional circumstances – that is, when a parental responsibility order would not adequately provide for the welfare of the child (Appendix B.1).

**Process**

Each state and territory has its own process for the adoption of known children by prospective parent(s). Figure 2.3 provides a broad outline of this process, although the precise order of the steps may vary slightly between jurisdictions and some of the additional complexities associated with adoptions by known carers are not depicted.



## 2.3 Special needs children

'Special needs' for the purposes of adoption is not legally defined in Australia. However, in addition to mental or physical disabilities, behavioural problems, and/or emotional disorders, in the context of adoption the term special needs is also frequently applied to a broad range of conditions that are deemed to pose potential barriers to the permanent placement of a child and/or affect the outcome of an adoption (HCCH 2005; Tan, Marfo & Dedrick 2007).

Older children and children who are part of a sibling group that is to be placed with the same adoptive family may be considered to comprise a special needs adoption due to the added difficulty in finding a suitable family (Tan et al. 2007). For example, for local adoptions Australian Central Authorities may consider children aged over 4 as having special needs as they are likely to have been placed with multiple carers and have had fewer opportunities to develop close relationships with any one person. Further, many of these children have had a history of deprivation, abandonment and trauma, which can leave them with developmental delays and emotional vulnerabilities, requiring long-term therapeutic and intensive parenting to promote secure attachments (HCCH 2005; Roberson 2006; Spark et al. 2008).

Countries of origin classify cases of special needs differently and the types of medical conditions are diverse, ranging from minor and correctable to complex and requiring ongoing treatment or management (AGD 2012d). For intercountry adoptions, Australian Central Authorities will often rely on the country of origin's definition of 'special needs' and advise prospective adoptive parents accordingly. Additional information on the adoption of children with special needs and the definitions used by countries of origin is on the AGD website (AGD 2012a).

Due to the additional barriers to adjustment faced by intercountry adoptees, such as language, cultural and other ethnic differences, and complications arising from time in institutional care, there are strong grounds for considering all intercountry adoptions as special needs adoptions (AGD 2012d; Spark et al. 2008).

While there are some healthy younger children and infants in need of families, in the context of intercountry adoptions, Australia's partner countries generally have more applications than needed from prospective adoptive parents willing to parent these children. In contrast, there are often few prospective adoptive parents who are willing and suitable to care for children with more complex backgrounds. Many countries of origin have tightened eligibility criteria, imposed or reduced intercountry adoption quotas, or placed moratoriums on intercountry adoption as a whole or on the adoption of healthy infants or younger children (AGD 2012d). Due to the difficulty in finding suitable carers in countries of origin and the emerging program restrictions, children with special needs represent a growing proportion of the children in need of intercountry adoption.

Information on the number of children with special needs who have been adopted in Australia is difficult to discern due to the inconsistent definition of the term and the limited data available in reports from countries of origin. Available data show that between 2008 and 2009, seven of the 112 children adopted by Australians from mainland China were considered to have special needs as defined by the China Online Special Needs Program, and that all 112 adopted children had been in institutional care before adoption (HCCH 2011a). In the Hong Kong special administrative region of China and in Lithuania, all of the children adopted between 2008 and 2009 were listed as special needs placements (HCCH 2011a).

Annual data on adoptions of older children and children adopted as part of a sibling group for local and intercountry adoptions are available in this report (see tables A3, A12 and A13).

There is a need for appropriate preparation and comprehensive assessment of prospective adoptive parents considering adopting a child with special needs. To ensure a successful adoption where a child has special needs, adoptive families need to demonstrate particular skills and qualities. Jurisdictions hold education workshops for prospective adoptive parents considering adopting an overseas-born child with special needs. These workshops aim to provide prospective parents with information on the range of special needs, the core issues involved in special needs adoption for all parties, the assessment process and opportunities available to adopt a child with special needs. There are also an increasing range of post-adoption support services available to families (AGD 2012e).

## **2.4 Post-adoption adjustment and support**

### **Adjustment after adoption**

A child's adjustment to adoption can be affected by a number of factors, including characteristics of the child, experiences before the adoption and characteristics of the adoptive family. Although most adoptees adjust well to their new environment, some do not (Greene et al. 2007; Haagaard 1998; Juffer & van IJzendoorn 2005; Palacios & Brodzinsky 2010). Children with special needs, including older children and those who have experienced deprivation or trauma before adoption, are thought to be particularly vulnerable to experiencing adjustment problems (Spark et al. 2008). For many intercountry adoptees, there are additional factors that pose potential barriers to permanent placement that might affect the child's ability to adjust post-adoption. For example, most intercountry adoptees will face language and cultural differences, and be older than local adoptees when they are placed with their new families (Spark et al. 2008).

Adopted children, especially those adopted from overseas, are likely to have been in institutional care for a portion of their lives. The quality of institutional care and the length of time spent in this kind of care can affect a child's adjustment after adoption and the likelihood that they will experience developmental delays (van IJzendoorn & Juffer 2006; Spark et al. 2008). Children who are adopted from overseas are likely to have received only a basic level of care during their stay in an institution (HRSCFHS 2005; Roberson 2006; Spark et al. 2008). There is also the possibility of toxic exposures and nutritional deficiencies. As a result, these children are at increased risk of health problems such as infectious diseases, growth and developmental delays, and emotional disorders (Meese 2005; Finn 2006).

As a child's age at adoption is often directly related to the length of time spent in institutional or foster care, older children are more likely to experience developmental delays than younger children (Palacios & Brodzinsky 2010; Spark et al. 2008). Children adopted after 12 months of age, particularly intercountry adoptees, have been found to experience delays in some areas of development but not in others. Regardless of age at adoption, adopted children are likely to quickly catch up to their non-adopted peers in areas of weight, height, intelligence and self-esteem (van IJzendoorn & Juffer 2006). However, school achievement and the formation of a secure attachment with the adopting family are likely to be poorer in adopted children, and the difference is more pronounced in children adopted after 12 months of age. The prevalence of behavioural problems is also likely to be



moderately higher for children adopted after 12 months of age (van IJzendoorn & Juffer 2006).

In both local and intercountry adoptions, the quality of relationships in the adoptive family has an impact on an adopted child's ability to adjust. As with all families, personal, marital or family instability have been found to correlate with disturbance among adopted children. Unrealistic or rigid parental expectations, especially regarding the adopted child meeting academic standards or societal norms, can interfere with adjustment in adoptive families (Passmore, Feeney & Jordan 2009). Unrealistic expectations about how quickly a sense of connectedness will form between the child and the adoptive parents can also hinder adjustment (Levy & Orlans 2003).

Adoptive parents may experience a range of emotions in the post-adoptive period. It is possible for parents to suffer from increased stress or emotional problems if their adopted child displays difficult or challenging behaviours or has unexpected medical problems (Levy & Orlans 2003; Miller 2005). However, parents who adopt children with developmental or physical disabilities or chronic medical conditions and are fully informed about their child's condition are able to more realistically anticipate problems and have been found to have more positive adjustment outcomes (Bornstein 2002). Further, the openness of adoptive parents to discussing adoption-related issues with an adopted child in an age-appropriate manner can be beneficial for the child's adjustment (Brodzinsky 2006; Passmore, Feeney & Jordan 2009).

## **Placement disruptions**

Although most local and intercountry adoptions are successful, a minority end in disruption or dissolution. The term disruption is used to describe an adoption process that ends after the child is placed in an adoptive home but before the adoption is legally finalised, resulting in the child's return to (or entry into) state care or placement with new adoptive parents. Dissolution is used to describe an adoption that ends after it is legally finalised, resulting in the child's return to (or entry into) state care or placement with new adoptive parents. Incidences of adoption dissolution are difficult to measure because after the adoption is legally finalised adoptees are no longer a readily identifiable group within the general population.

Available information on disruptions indicates that they are more common in adoptions involving special needs children (Spark et al. 2008). Research shows the children most at risk of unsuccessful outcomes include: children adopted at an older age; children with a history of physical abuse, deprivation and neglect; children with a history of sexual abuse; and children with emotional and behavioural problems (DECD 2010; Roberson 2006). In both local and intercountry adoptions, attachment issues are considered a key contributor to the disruption of an adoption. If a sense of attachment and/or an improvement in the child's behaviour is not detected by parents within 12 to 15 months, there is an increased risk of the adoption process ending (Clark, Thigpen & Moeller Yates 2006).

There is a paucity of current information on the rate of adoption disruption in Australia. Research into intercountry adoption disruptions in one of Australia's jurisdictions estimated that there were 12 disruptions (four boys and eight girls) between 1973 and 2003 within the jurisdiction – an overall disruption rate of about 2%, or 1 in 50 (Rosenwald 2003). Some information can also be found in this report. Information on changes to living arrangements for intercountry adoptees 12 months after they were placed with their adoptive families is in the 'Adoption of overseas children' section of Chapter 4. While this measure is not a true

indication of disruption, as it only captures changes that occur for intercountry adoptees within the 12 months after placement, it provides a reasonable indication of the initial stability of these arrangements.

Where placement difficulties are experienced, the agency with primary responsibility for adoptions within a jurisdiction may refer the family to appropriate support services. These post-adoption services are considered essential to avoiding the disruption of an adoption (Barth & Miller 2000).

## **Post-adoption support**

Evidence suggests that good outcomes in adoptions, especially intercountry and special needs adoptions, are associated with access to services and support for both the adopted child and the adoptive family. Pre-adoption preparation and ongoing support programs have been identified as important factors that contribute to successful outcomes. Emotional support provided to adoptive parents by family and friends is also important for the success of an adoption (Spark et al. 2008).

In 2009, the Intercountry Adoption Harmonisation Working Group announced the completion of the Nationally Consistent Core Curriculum (NCCC). The NCCC is a framework consisting of nine compulsory education and training units that help prospective adoptive parents understand and develop realistic expectations about the adoption process (AGD 2012f).

Initiatives such as the NCCC help make pre-adoption services widely available across Australia. Post-adoption support services provided by both government and non-government agencies are also becoming increasingly available in all states and territories. Under the Commonwealth-State Agreement for the Continued Operation of Australia's Intercountry Adoption Program, there is agreement to undertake ongoing work to improve the availability and accessibility of these services (Banks 2009).

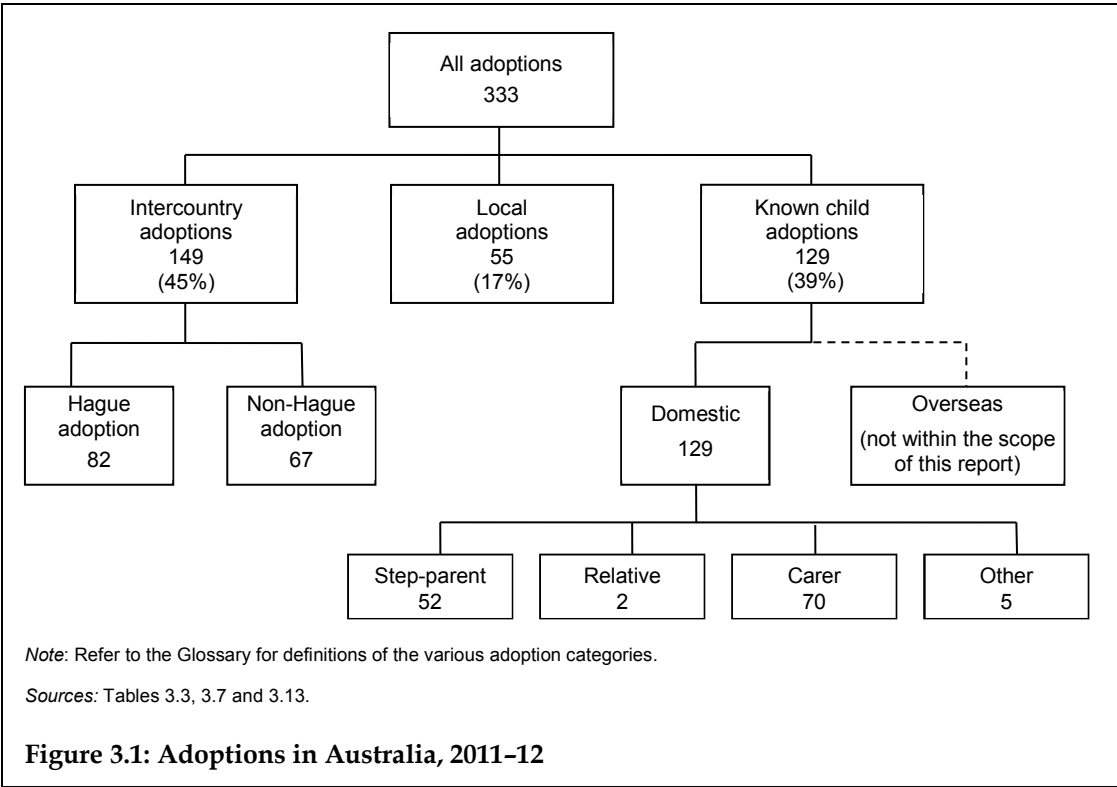
# 3 Detailed analysis of adoptions in Australia in 2011–12

This chapter provides an in-depth analysis of intercountry, local and known adoptions in Australia in 2011–12.

## 3.1 Adoptions in 2011–12

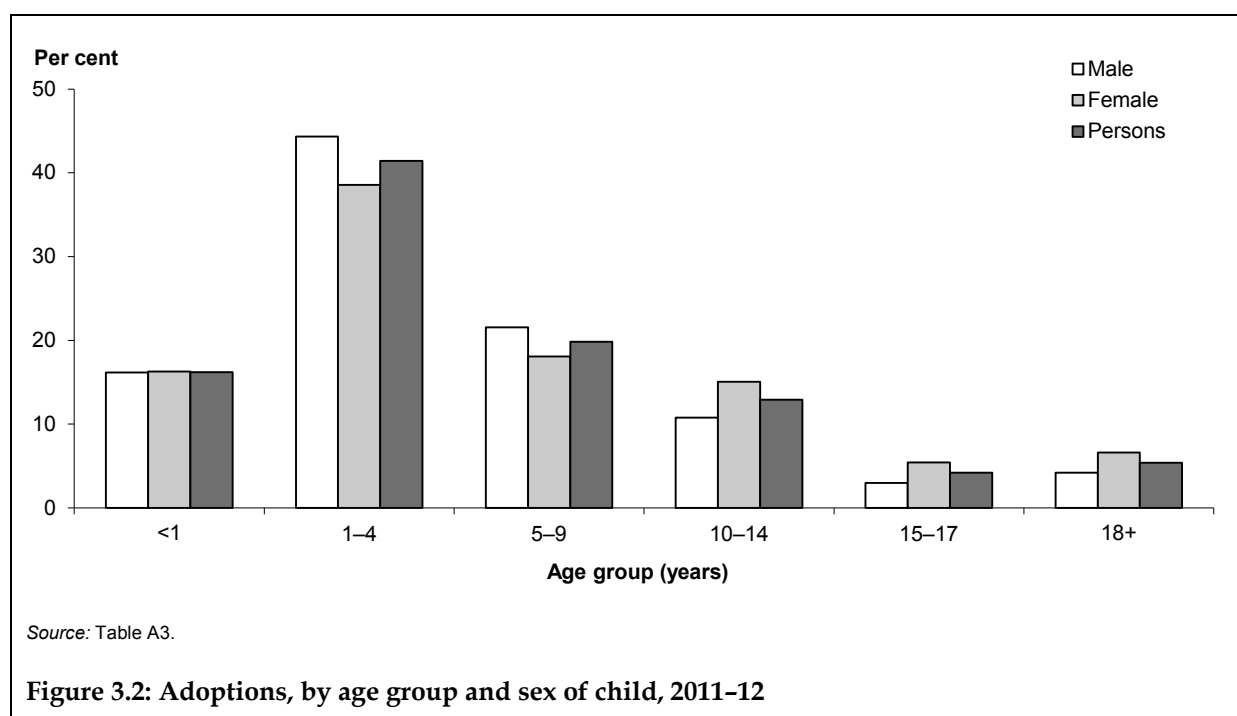
In 2011–12, there were 333 finalised adoptions of children in Australia – a decrease of 51 adoptions, or 13%, from the previous year. The number of adoptions fell in all states and territories except the Australian Capital Territory where it remained stable and the Northern Territory where it increased (Table A1). Of the 333 adoptions in 2011–12, 149 (45%) were intercountry adoptions, 55 (17%) local adoptions and 129 (39%) known child adoptions (Figure 3.1).

The long-term fall in numbers can, in part, be attributed to legislative changes, such as the increased use of alternate legal orders in Australia, as well as broader social trends and changing social attitudes which have made it easier for both Australian born children and children born overseas to remain with their birth family or, in the case of children born overseas, within their country of origin (see Section 4.1 for more details).



In 2011–12, almost three-fifths (192 or 58%) of all children who were the subject of a finalised adoption were aged under 5. Less than one-fifth (16%) were infants under 12 months. A similar number of males and females were the subject of a finalised adoption (167 and 166, respectively), however, while the same proportion of male and female infants were adopted

(16%), a higher proportion of males were aged between 1 and 9 years (66% compared with 57%) (Table A3; Figure 3.2).



**Figure 3.2: Adoptions, by age group and sex of child, 2011-12**

Of the Australian population aged 0-17, 6 per 100,000 were the subject of a finalised adoption in 2011-12. This rate varied across age groups from 18 per 100,000 of those aged under 12 months and 12 per 100,000 for those aged 1 to 4 years, to less than 2 per 100,000 for those aged 15-17 (Table 3.1).

**Table 3.1: Number and rate of adoptions of children aged 0-17, by age group, 2011-12**

Age group (years)	Number of adoptions	Adoptions per 100,000 <sup>(a)</sup>
Under 1	54	18.4
1-4	138	11.8
5-9	66	4.8
10-14	43	3.1
15-17	14	1.6
<b>0-17</b>	<b>315</b>	<b>6.2</b>
18+	18	..

(a) Rate based on ABS estimated resident population aged 0-17 at 31 December 2011.

Note: Rates based on small numbers should be interpreted with caution.

Source: AIHW Adoptions Australia data collection and AIHW analysis of ABS 2011 unpublished estimates.

For local and intercountry adoptions, children are placed with their adoptive families before their adoption order is finalised (see Figures 2.1 and 2.2). There were 203 such placements during 2011-12 (Table A2). Some children placed for adoption during this period may not have their adoption finalised this year. In addition, some adoption orders finalised in 2011-12 may relate to children who were placed in previous years.

## 3.2 Intercountry adoptions

There were 149 intercountry adoptions finalised in 2011–12, representing 45% of all adoptions (Figure 3.1). This was a decrease of 66 adoptions, or 31%, from 2010–11 (Table A9).

In addition, during 2011–12, there were 203 applicants who became official clients of Australian adoptions authorities. An ‘applicant’ can be a married couple, a de facto couple or a single person. A formal decision by an adoption authority was made to approve 109 applicants as eligible and suitable to adopt a child (note: some approvals may relate to applicants who became official clients during 2011–12 while others may relate to applicants who became official clients a previous year). Also during the period, Australian adoption authorities sent 84 files overseas (Table 3.2).

**Table 3.2: Level of activity in intercountry adoption, by state and territory, 2011–12**

	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Total
Number of applicants who became official clients <sup>(a)</sup>	34	11	79	30	24	8	6	11	<b>203</b>
Number of applicants who were approved as eligible and suitable for adoption <sup>(b)</sup>	28	10	26	14	9	8	4	10	<b>109</b>
Number of files that were sent overseas <sup>(c)</sup>	27	7	14	13	11	4	1	7	<b>84</b>

(a) Counts the applicants who became official clients of the adoptions section of the relevant state/territory department between 1 July 2011 and 30 June 2012. An ‘applicant’ can be a married couple, a de facto couple or a single person. The method by which the applicant becomes an ‘official client’ will vary for each jurisdiction, and may be when the department first opens a file, when the applicant registers, or when they are invited to attend an information session (see Appendix B.1 for further details).

(b) Counts the number of applicants whose application to adopt was approved by the department between 1 July 2011 and 30 June 2012. An approval is when a formal decision is made by the responsible person that the applicant(s) are eligible and suitable to adopt a child.

(c) Counts the number of files that the department or non-government agency sent to another country between 1 July 2011 and 30 June 2012.

Note: Each category is separate and while some applicants may appear in each category (e.g. if they became official clients and were approved as eligible in the same year), it is wrong to assume that all do. For example, some applicants may have become official clients in 2009–10, been approved in 2010–11 and had their file was sent overseas in 2011–12. These applicants would only appear in the last category.

### Country of origin

In 2011–12, 86% of intercountry adoptions finalised were children from Asia, 12% were from Africa, and 2% from South/Central America (Table A8). The most common countries of origin were the Philippines (29 or 19%), South Korea (26 or 17%), China (24 adoptions or 16%) and Taiwan (22 or 15%) (Figure 3.3). Since 2010–11, the number of finalised adoptions from China, Ethiopia and India halved (from 51 to 24, 40 to 18 and 19 to 8, respectively). Fluctuations were less pronounced for other countries of origin (Table A10).

Due to a range of factors, including a suspension of all adoptions between 2009 and early 2010 (which may affect the number of adoptions finalised in 2011–12), caution should be used in interpreting the data for the Ethiopian program. Australia closed its intercountry program with Ethiopia in June 2012. For further information, see the AGD website (AGD 2012g). Refer to ‘Adoptions of overseas children’ in Section 4.1 for a discussion of trends in intercountry adoption.

Of those intercountry adoptions finalised, 55% were from countries that are part of the Hague Convention. This was down from 60% in 2010–11 (refer to the Glossary for definitions of intercountry child adoption categories) (Table 3.3; AIHW 2011).

Of the total number of intercountry children who have been the subject of a finalised adoption in the past decade, 25% have come from China, 21% from South Korea and 14% from Ethiopia. Adoptions from the Philippines and Taiwan have comprised 13% and 6% respectively (Table A10).

**Table 3.3: Number of finalised intercountry adoptions, by type of adoption and child's country of origin, 2011–12**

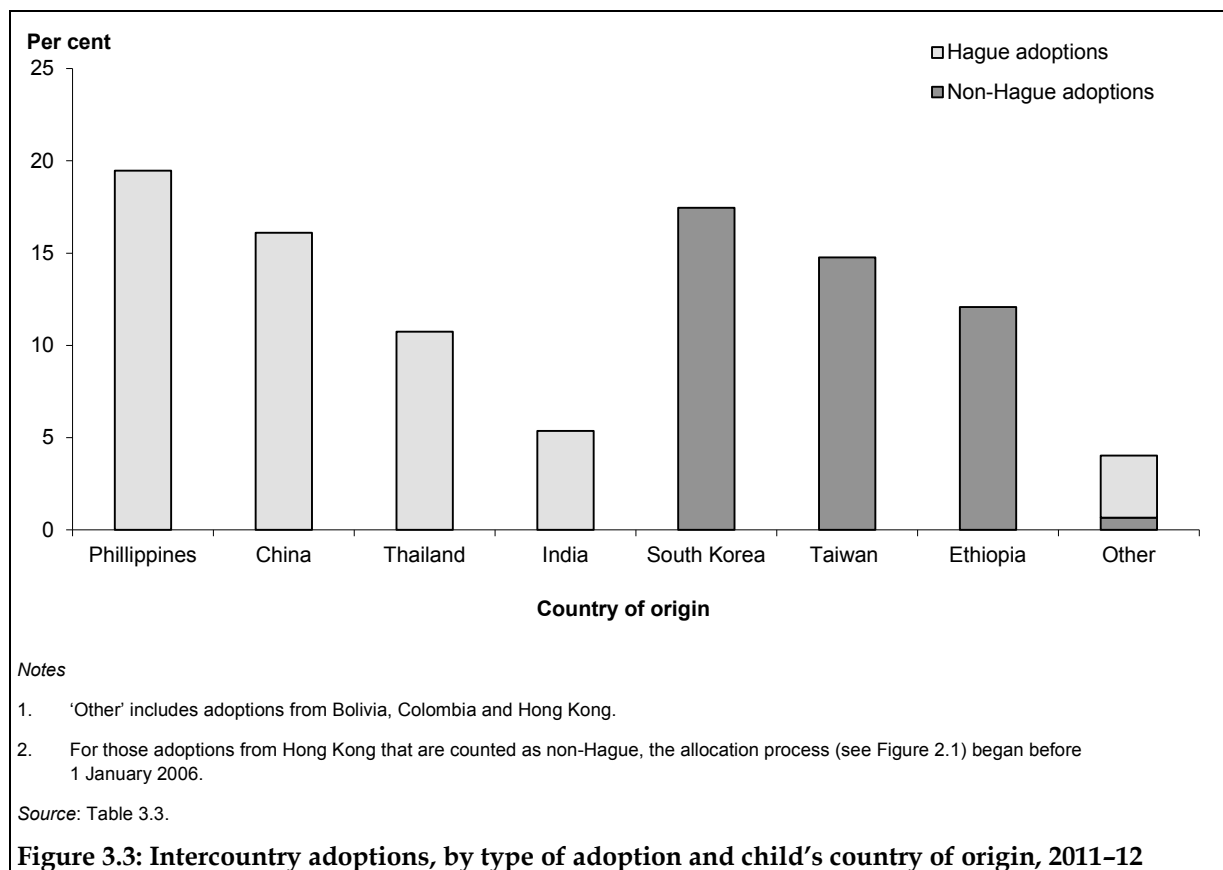
Country of origin	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Australia
<b>Hague adoptions</b>									
China <sup>(a)</sup>	11	7	—	—	5	—	1	—	24
India	1	6	—	—	1	—	—	—	8
Philippines	4	5	6	2	6	2	2	2	29
Thailand	8	3	1	—	4	—	—	—	16
Other <sup>(b)</sup>	3	2	—	—	—	—	—	—	5
<i>Total Hague adoptions</i>	<i>27</i>	<i>23</i>	<i>7</i>	<i>2</i>	<i>16</i>	<i>2</i>	<i>3</i>	<i>2</i>	<i>82</i>
<b>Non-Hague adoptions</b>									
Ethiopia	5	3	2	—	2	1	2	3	18
South Korea	6	7	5	2	2	1	1	2	26
Taiwan	8	3	6	1	3	—	—	1	22
Other <sup>(b)</sup>	—	—	—	—	—	—	—	1	1
<i>Total non-Hague adoptions</i>	<i>19</i>	<i>13</i>	<i>13</i>	<i>3</i>	<i>7</i>	<i>2</i>	<i>3</i>	<i>7</i>	<i>67</i>
<b>Total intercountry adoptions</b>	<b>46</b>	<b>36</b>	<b>20</b>	<b>5</b>	<b>23</b>	<b>4</b>	<b>6</b>	<b>9</b>	<b>149</b>
<b>Proportion of intercountry adoptions (per cent)</b>	<b>30.9</b>	<b>24.2</b>	<b>13.4</b>	<b>3.4</b>	<b>15.4</b>	<b>2.7</b>	<b>4.0</b>	<b>6.0</b>	<b>100.0</b>

(a) Excludes Special Administrative Regions and Taiwan Province.

(b) 'Other' includes adoptions from Bolivia, Colombia and Hong Kong.

Note: For those adoptions from Hong Kong that are counted as non-Hague, the allocation process (see Figure 2.1) began before 1 January 2006.

Source: AIHW Adoptions Australia data collection.



### Processing times for children placed during 2011-12

For children who were placed with their adoptive parents in 2011-12, the median length of time from when an Australian applicant became an official client of the department to when a child was placed with them was 56 months, or 4 years and 8 months. The median length of time ranged from 32 months for Taiwan to 79 months for China (Table 3.4).

The longest period in the process, for most countries, occurs between when a partner country receives an applicant's file from Australia to when the overseas authority allocates a child (Table 3.4). In 2011-12, this ranged from 30 months to 62 months (excluding Taiwan where the initial approval of an applicant was the longest part of the process, and South Korea where the time between allocation and placement was longest). Factors that may affect the time involved in the process include:

- the number and characteristics of children needing families
- the number of prospective adoptive applicants
- the age and needs of the child/children an applicant is approved to adopt
- how long it takes the overseas country to process the application (which is subject to changes in their policies and resources).

**Table 3.4: Median length of time (in months) for the intercountry adoptions process, by country of origin, for children placed in 2011–12<sup>(a)</sup>**

Country of origin	From when the applicant(s) became official clients of the department, to when an approval decision was made	From when an approval decision was made, to when the file was sent overseas	From when the file was sent overseas, to when the child was allocated	From when the child was allocated, to when the child was placed	Total length of process <sup>(b)</sup>
China	8	3	62	2	79
Ethiopia	7	27	30	4	72
Philippines	10	4	35	5	54
South Korea	8	5	7	16	39
Taiwan	10	4	5	7	32
Thailand	8	4	41	4	57
Other <sup>(c)</sup>	7	4	37	7	56
<b>All countries</b>	<b>8</b>	<b>4</b>	<b>30</b>	<b>5</b>	<b>56</b>

(a) This table includes all children who were placed with their adoptive families during 2011–12. It examines the length of time from when applicants became official clients of the department, to when a child was placed with them.

(b) Total process is the overall average length of time from when the applicant(s) became official clients of the department, to when the child was placed and may not be equal to the sum of the preceding processes due to rounding to the nearest whole month.

(c) 'Other' includes Bolivia, Colombia, Hong Kong and India. Each of these countries had less than three placements in 2011–12, making it unsuitable to report a median measure for these countries individually.

After a child is placed with their adoptive family there can still be a period before the adoption order is finalised. Children placed for adoption during 2011–12 may not have their adoption finalised this year.

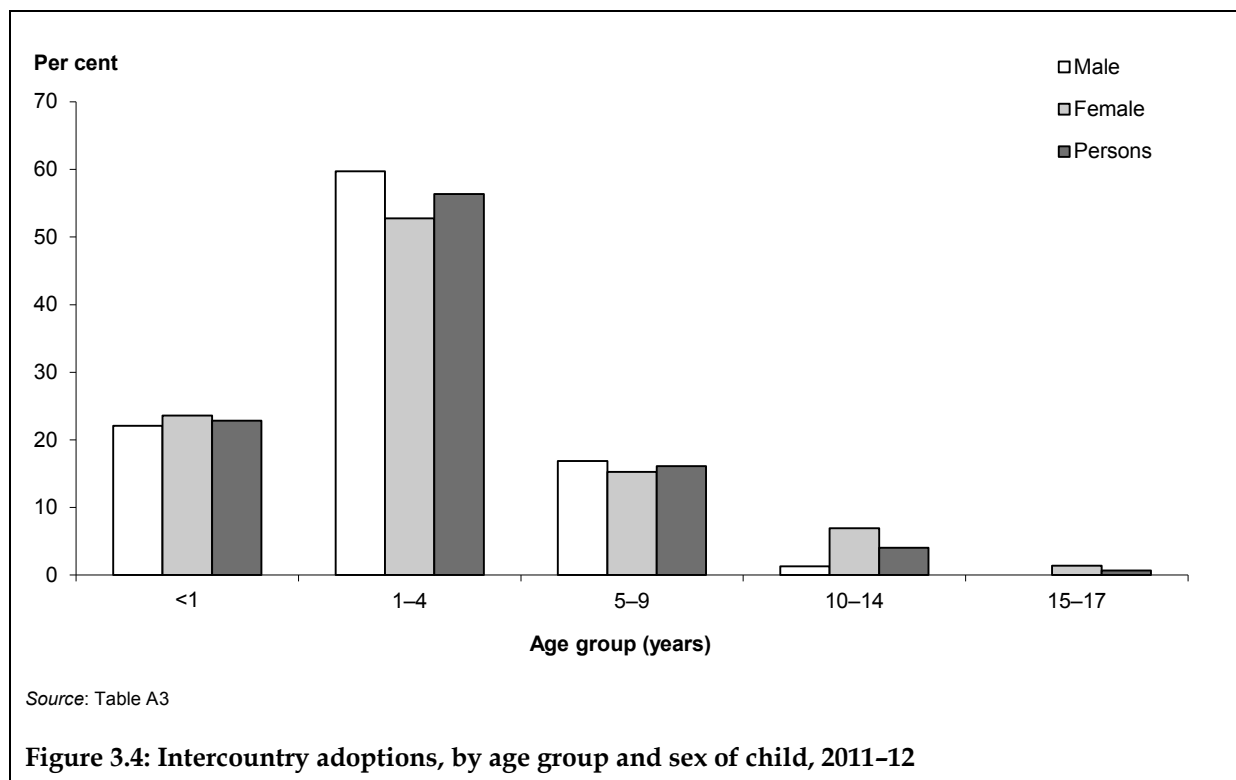
## Characteristics of adopted children

As in previous years, the majority of the 149 children who were the subject of a finalised intercountry adoption were aged under 5, however, the proportion was smaller than in 2010–11 (79% compared with 87%). About a quarter of all finalised intercountry adoptions were of infants aged under 12 months (23%) (Figure 3.4). Children who were the subject of a finalised non-Hague adoption were more likely to be infants – 39% of non-Hague adoptees were aged under 12 months, compared with 10% of Hague adoptees (Table A12).

Overall, a similar proportion of children who were the subject of a finalised intercountry adoption in 2011–12 were male and female (52% and 48%, respectively) (Table A3). However, a higher proportion of children who were the subject of a finalised adoption from a Hague country were female (54% compared with 46%) and a higher proportion from a non-Hague country were male (58% compared with 42%) (Table A12).

In 2011–12, the majority of intercountry adoptions finalised were of single children, but 18 children were adopted as part of eight sibling groups. That is, a child and at least some of their siblings were adopted at the same time by the same family. Four sibling groups who had their adoption finalised in 2011–12 were adopted from Hague countries and four were adopted from non-Hague countries (Table A13).





## Administration of Hague adoptions

In 2011-12, 66% of children who were the subject of a finalised Hague adoption entered Australia under guardianship orders, and then had their adoption orders finalised in Australia. The remaining 34% entered Australia under full adoption orders made in their country of origin (Table A14).

Of those children entering Australia under guardianship orders, 54% were from the Philippines, 30% from Thailand, 13% from India and the remaining 4% from Hong Kong (Table A14).

## Characteristics of adoptive families

Adoptive parents tend to be older than biological parents largely due to eligibility requirements. Excluding five adoptive parents whose ages were unknown, more than two-thirds of adoptive parents (70%) who were a part of a finalised intercountry adoption in 2011-12 were aged 40 and over (Table A15; Figure 3.5) and nearly all intercountry adoptions were made by couples in a registered marriage (92%) (Table 3.5). This reflects the criteria used to assess the eligibility of prospective adoptive parents by local authorities and overseas partners.

In most jurisdictions in Australia, de facto married couples are eligible to adopt and an increasing number of Australian jurisdictions allow same-sex couples to adopt; however, each overseas adoption authority has their own eligibility criteria that must be met for an adoption application to proceed. Increasingly fewer intercountry programs permit applications from single persons, with many programs requiring prospective adoptive parents to have been in a registered marriage for a set time; for example, South Korea requires applicants to have been in a registered marriage for a minimum of 3 years. Many

programs also specify a minimum age requirement for adoptive parents; for example, China requires applicants to be between 30 and 50 (AGD 2012a). Further, none of the current intercountry agreements have provisions that allow same-sex couples to apply (AGD 2012a).

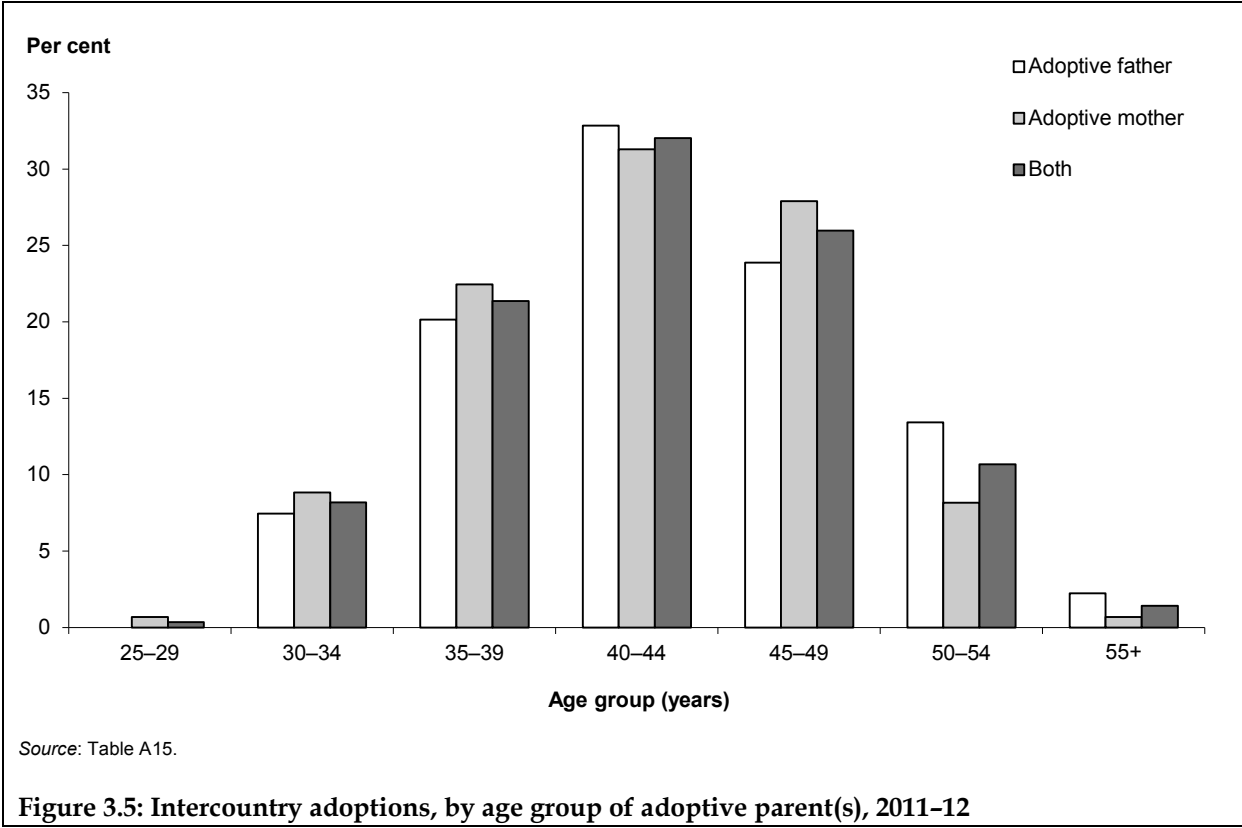


Figure 3.5: Intercountry adoptions, by age group of adoptive parent(s), 2011-12

Table 3.5: Finalised intercountry adoptions, by type of adoption and marital status of the adoptive parent(s), 2011-12

Marital status of the adoptive parent(s)	Hague adoption		Non-Hague adoption		All intercountry adoptions	
	Number	Per cent	Number	Per cent	Number	Per cent
Registered married couple	75	91.5	62	92.5	137	91.9
De facto married couple	—	—	—	—	—	—
Single person <sup>(a)</sup>	7	8.5	5	7.5	12	8.1
<b>Total</b>	<b>82</b>	<b>100.0</b>	<b>67</b>	<b>100.0</b>	<b>149</b>	<b>100.0</b>

(a) May include widowed parents.

Source: AIHW Adoptions Australia data collection.

In 2011-12, more than one-third (36%) of children who were the subject of a finalised adoption were adopted into families with no other children (excluding New South Wales adoptions and some Queensland adoptions, data for which were not available) and, before the adoption, the same proportion (36%) of the adoptive families only had other adopted children (Table 3.6). As with marital status and the adoptive parents' age, some countries of origin have specific eligibility criteria that affect these proportions directly – such as infertility requirements or restrictions on family size (AGD 2012a).

**Table 3.6: Finalised intercountry adoptions, by type of adoption and composition of the adoptive family, 2011–12**

Composition of the adoptive family	Hague adoption		Non-Hague adoption		All intercountry adoptions	
	Number	Per cent	Number	Per cent	Number	Per cent
No other children in the family	18	37.5	14	34.1	32	36.0
Biological children only	12	25.0	5	12.2	17	19.1
Adopted children only	12	25.0	20	48.8	32	36.0
Both biological and adopted children	6	12.5	2	4.9	8	9.0
<b>Total<sup>(a)(b)</sup></b>	<b>48</b>	<b>100.0</b>	<b>41</b>	<b>100.0</b>	<b>89</b>	<b>100.0</b>

(a) Excludes adoptions from New South Wales, which was unable to report on the composition of the family.

(b) Excludes seven Hague and seven non-Hague adoptions from Queensland, which was unable to report on the composition of the family for these adoptions.

Note: Percentages may not add to 100 due to rounding.

Source: AIHW Adoptions Australia data collection.

## Expatriate adoptions

Expatriate adoptions occur when an Australian citizen or permanent resident living abroad for 12 months or more adopts a child through an overseas agency or government authority. Australian adoption authorities are not responsible for expatriate adoptions, and do not assess or approve applicants for such adoptions.

For these adoptions to be recognised in Australia, the adoptive parents are required to prove that they were not living overseas for the purpose of bypassing the legal requirements for the entry of adopted children into Australia, and that they have lawfully acquired full parental rights in adopting the child. The child is then required to obtain citizenship or have an adoption-specific visa in order to enter Australia.

In 2011–12, there were 135 adoption-specific visas issued for children who were adopted through an overseas agency or authority, and whose adoptive parents lived overseas for 12 months or more (Table A16). This was a 13% increase from 2010–11, when 119 visas were issued (AIHW 2011). In 2011–12, visas for this type of adoption were issued from 39 countries, compared with 37 in 2010–11 (AIHW 2011).

A further 119 visas were issued for intercountry adoptions that were arranged by an Australian state or territory authority (Table A16). However, not all children who were issued with visas in 2011–12 would have necessarily entered Australia during this period.

## 3.3 Local adoptions

In 2011–12, there were 55 local adoptions finalised, representing 17% of all adoptions (Table 3.7; Figure 3.1). The number of local adoptions was greater than in the previous year, increasing by 10 from 2010–11 (Table A5).

**Table 3.7: Local adoptions, by state and territory, 2011–12**

<b>State/territory</b>	<b>Number</b>	<b>Per cent</b>
New South Wales	13	23.6
Victoria	28	50.9
Queensland	7	12.7
Western Australia	3	5.5
South Australia	—	—
Tasmania	2	3.6
Australian Capital Territory	1	1.8
Northern Territory	1	1.8
<b>Australia</b>	<b>55</b>	<b>100.0</b>

*Note:* Percentages may not add to 100 due to rounding.

*Source:* AIHW Adoptions Australia data collection.

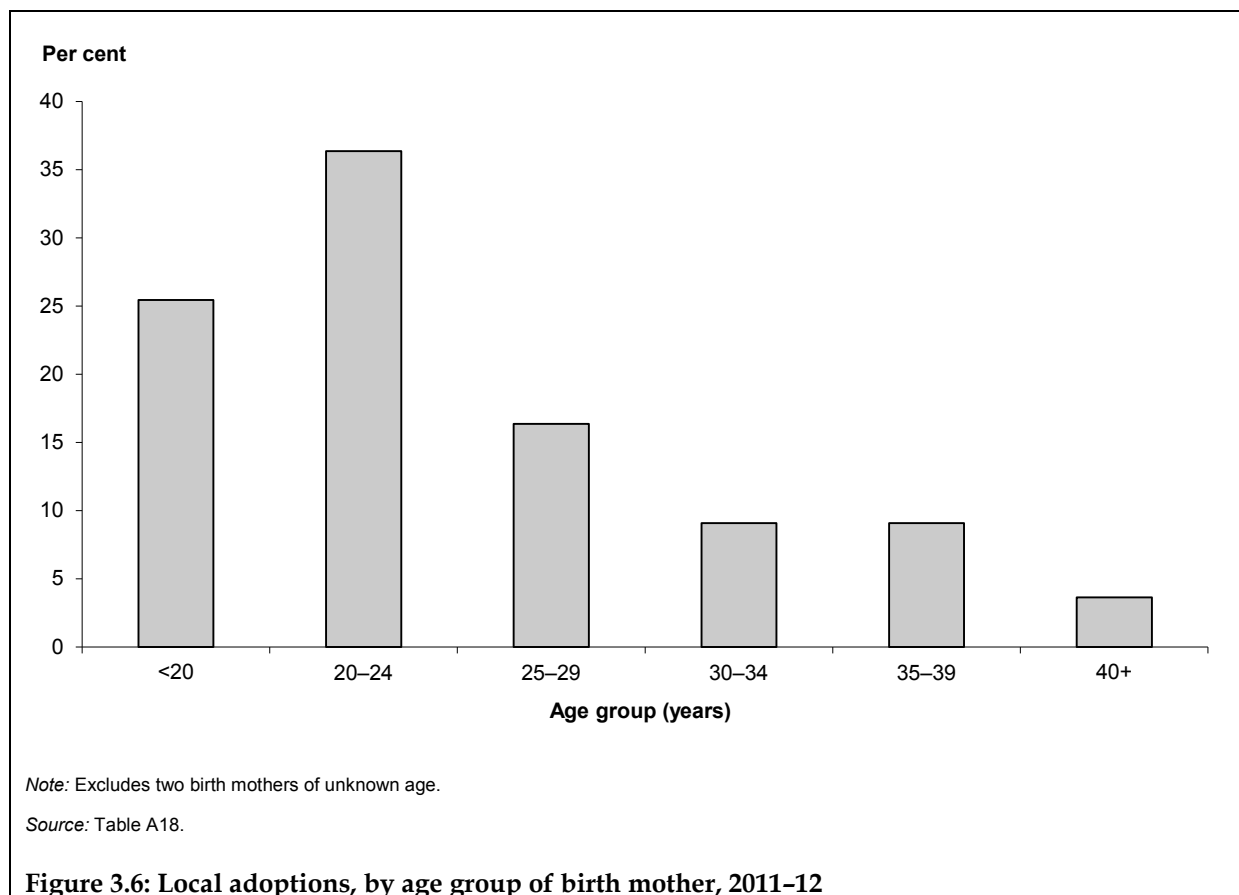
## Characteristics of adopted children

Just over half (55%) of all local adoptions finalised in 2011–12 were of males and almost all (96%) were of children aged under 5 (Table A3). Children in local adoptions tend to be younger than those adopted from other countries. In 2011–12, 36% of the local adoptions were of infants aged under 12 months, compared with 23% of children adopted from other countries (Table A3) – refer to ‘Adoption of overseas children’ in Section 4.2 for a discussion of factors that contribute to this pattern. All children who were the subject of a finalised local adoption in 2011–12 were aged under 10.

Of those local adoptions finalised in 2011–12, two siblings were adopted at the same time by the same family as a sibling group (Table A13).

## Characteristics of birth mothers

The median age of the birth mothers of children who were the subject of a finalised local adoption in 2011–12 was 22, with ages ranging from 15 to 43. This is 9 years younger than the median age of all mothers giving birth in 2010 and 5 years younger than that of all unmarried mothers giving birth in 2010 (Table A17; ABS 2010). In 2011–12, 78% of children in local adoptions had birth mothers who were under 30 (62% were under 25) (Table A18; Figure 3.6). The majority of these birth mothers were also not in a registered marriage (85%) (Table A19). The marital status of birth mothers is likely influenced by both age and patterns of decreasing registered marriages and increasing de facto relationships in the general population (ABS 2009).



## Administration of local adoptions

For almost three-fifths (58%) of local adoptions finalised in 2011-12, consent was given by the birth mother only – this may relate to the high proportion of mothers who were not in a registered marriage at the time of birth. Almost all of the remaining local adoptions had consent from both birth parents (38%) (Table 3.8).

**Table 3.8: Local adoptions, by type of consent, 2011-12**

Type of consent given	Number	Per cent
From birth mother only <sup>(a)</sup>	32	58.2
From birth father only <sup>(b)</sup>	1	1.8
From both birth parents	21	38.2
Both birth parents' consent dispensed/not required	1	1.8
<b>Total</b>	<b>55</b>	<b>100.0</b>

(a) Birth father's consent dispensed/not required.

(b) Birth mother's consent dispensed/not required.

Note: Consent for local adoptions is usually required from both birth parents. Therefore, dispensation of consent is usually only provided by the relevant court in each state/territory when the birth parent(s) are unable to give consent themselves.

Source: AIHW Adoptions Australia data collection.

Agreements made at the time of adoption indicated that almost all (95%) local adoptions finalised in 2011–12 could be considered ‘open’ – that is, all parties were happy to allow a degree of contact or information exchange to occur between families (Table 3.9).

For local adoptions, open adoption agreements have been the most common arrangement for more than a decade (Table A20). This reflects the change in local adoption practices from a guarded practice, where files were sealed and parties to the adoption had no contact with each other, to a more open practice, which can involve access to information or contact between the parties. Since 1998–99, the proportion of local adoptions where the birth and adoptive families have agreed to allow some type of contact or information exchange has generally been more than 80% (Table A20).

**Table 3.9: Local adoptions, by type of agreement, 2011–12**

Type of agreement	Number	Per cent
Contact and information exchange	38	69.1
Contact only	—	—
Information exchange only	14	25.5
No contact or information exchange	3	5.5
<b>Total</b>	<b>55</b>	<b>100.0</b>

*Note:* Percentages may not add to 100 due to rounding.

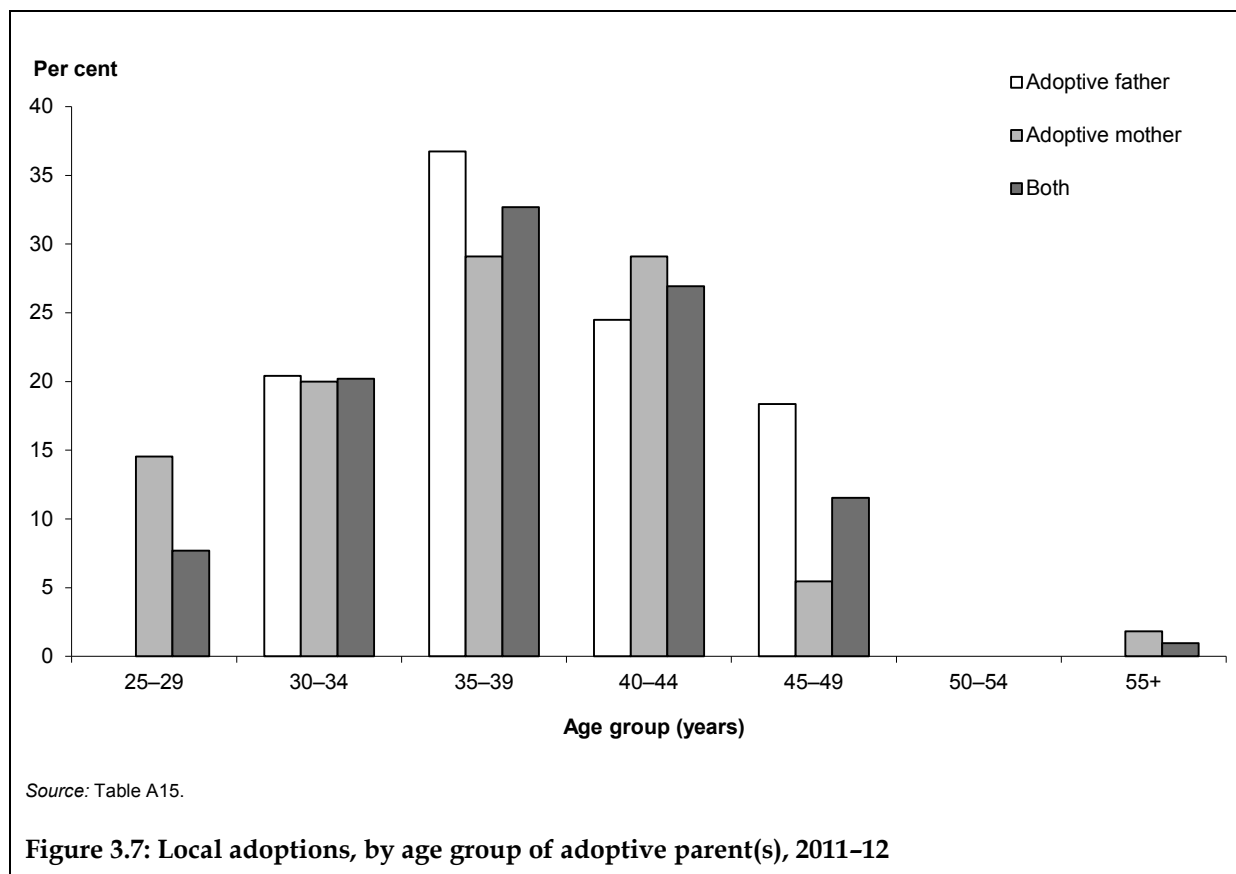
*Source:* AIHW Adoptions Australia data collection.

More than half (55%) of the local adoptions finalised in 2011–12 were arranged by a non-government organisation. The rest (45%) were arranged by the relevant state and territory government departments (Table A21).

## Characteristics of adoptive families

For local adoptions finalised in 2011–12, there was a similar pattern regarding adoptive parents’ marital status to that noted for intercountry adoptions. Almost all (95%) of the adoptive parents were in a registered marriage (Table 3.10). However, adoptive parents involved in local adoptions tended to be younger than those who had adopted a child through intercountry adoption. Excluding three adoptive parents whose ages were unknown, two-fifths (39%) were aged 40 and over compared with 70% of those involved in finalised intercountry adoptions (Table A15).

While no adoptive fathers were under 30 in either the local or intercountry adoptions finalised in 2011–12, 15% of adoptive mothers involved in a finalised local adoption were aged 25–29, compared with less than 1% of adoptive mothers who had adopted a child through intercountry adoption. There were no adoptive parents aged under 25 (Table A15; Figure 3.7).



**Table 3.10: Local adoptions, by marital status of the adoptive parent(s), 2011-12**

Marital status of the adoptive parent(s)	Number	Per cent
Registered married couple	52	94.5
De facto married couple	—	—
Single person <sup>(a)</sup>	3	5.5
<b>Total</b>	<b>55</b>	<b>100.0</b>

(a) May include widowed parents.

Source: AIHW Adoptions Australia data collection.

Most children who were the subject of a finalised local adoption in 2011-12 were adopted into families with no other children (61%). A quarter (25%) of the adoptive families had adopted children only, and a further 11% had biological children only (Table 3.11) (excluding New South Wales data and some Queensland data, which were not available for this table).

**Table 3.11: Local adoptions, by composition of the adoptive family, 2011–12**

Composition of the adoptive family	Number	Per cent
No other children in the family	22	61.1
Biological children only	4	11.1
Adopted children only	9	25.0
Both biological and adopted children	1	2.8
<b>Total<sup>(a)(b)</sup></b>	<b>36</b>	<b>100.0</b>

(a) Excludes adoptions from New South Wales, which was unable to report on the composition of the family.

(b) Excludes six local adoptions from Queensland, which was unable to report on the composition of the family for these adoptions.

Source: AIHW Adoptions Australia data collection.

Although eligibility criteria set by local adoption authorities in Australia are generally less restrictive than those set by agencies in countries with which Australia has an intercountry adoptions program, it is likely that these criteria still influence the proportions reported above. For example, other than in exceptional circumstances, only registered married couples are allowed to adopt in the Northern Territory and in Tasmania de facto couples with a registered relationship (including same sex couples) are only eligible to adopt a known child. In all other jurisdictions registered married couples and de facto couples are eligible – with same-sex couples able to adopt in New South Wales, Western Australia and the Australian Capital Territory. However, specifications around the length of time couples need to have been in a married or de facto relationship, and the increasing tendency for couples to postpone having children and enter into these relationships later in life (ABS 2007), would affect the above proportions.

The circumstances under which single people can apply to adopt also vary for each state and territory, with most accepting applications only under special circumstances. Special circumstances may include a previous longstanding relationship with the child, with adoption deemed to be in the child’s best interests (which would be considered a known child adoption), or adoption of a child with special needs where the single applicant has special skills needed to parent the child (such as expertise in working with children with a disability, or nursing) (see Appendix B.1).

### 3.4 Known child adoptions

There were 129 known child adoptions finalised in 2011–12, representing almost two-fifths (39%) of all adoptions (Table 3.12; Figure 3.1) and 70% of adoptions of Australian children. The number of known adoptions was similar to the previous year, increasing by five from 2010–11 (Table A6).



**Table 3.12: Known child adoptions, by state and territory, 2011–12**

<b>State/territory</b>	<b>Number<sup>(a)</sup></b>	<b>Per cent</b>
New South Wales	91	70.5
Victoria	8	6.2
Queensland	6	4.7
Western Australia	18	14.0
South Australia	1	0.8
Tasmania	—	—
Australian Capital Territory	4	3.1
Northern Territory	1	0.8
<b>Australia</b>	<b>129</b>	<b>100.0</b>

(a) Number of adoptions includes children aged 18 and over (see Table A23).

Note: Percentages may not add to 100 due to rounding.

Source: AIHW Adoptions Australia data collection.

For the first time since the categories of adoptions were changed in 1998–99, the highest proportion of known adoptions were by carers such as foster parents (54%). Two-fifths (40%) of the remaining known adoptions finalised in 2011–12 were by step-parents. These proportions are indicative of policies in some jurisdictions that are increasingly promoting adoption as a means of achieving stability for children under the long-term care of state and territory child protective services when reunification is not considered possible. They also reflect the preference for options other than adoption in instances where relatives other than step-parents are to have long-term parental responsibility for a child to avoid confusing biological relationships (Table 3.13; Table A22).

**Table 3.13: Known child adoptions, by relationship of adoptive parent(s), 2011–12**

<b>Relationship of the adoptive parent(s)</b>	<b>Number<sup>(a)</sup></b>	<b>Per cent</b>
Step-parent	52	40.3
Relative <sup>(b)</sup>	2	1.6
Carer	70	54.3
Other	5	3.9
<b>Total</b>	<b>129</b>	<b>100.0</b>

(a) Number of adoptions includes children aged 18 and over (see Table A23).

(b) Includes relatives other than step-parents.

*Notes*

1. Percentages may not add to 100 due to rounding.
2. Refer to the Glossary for definitions of the known child adoption categories.

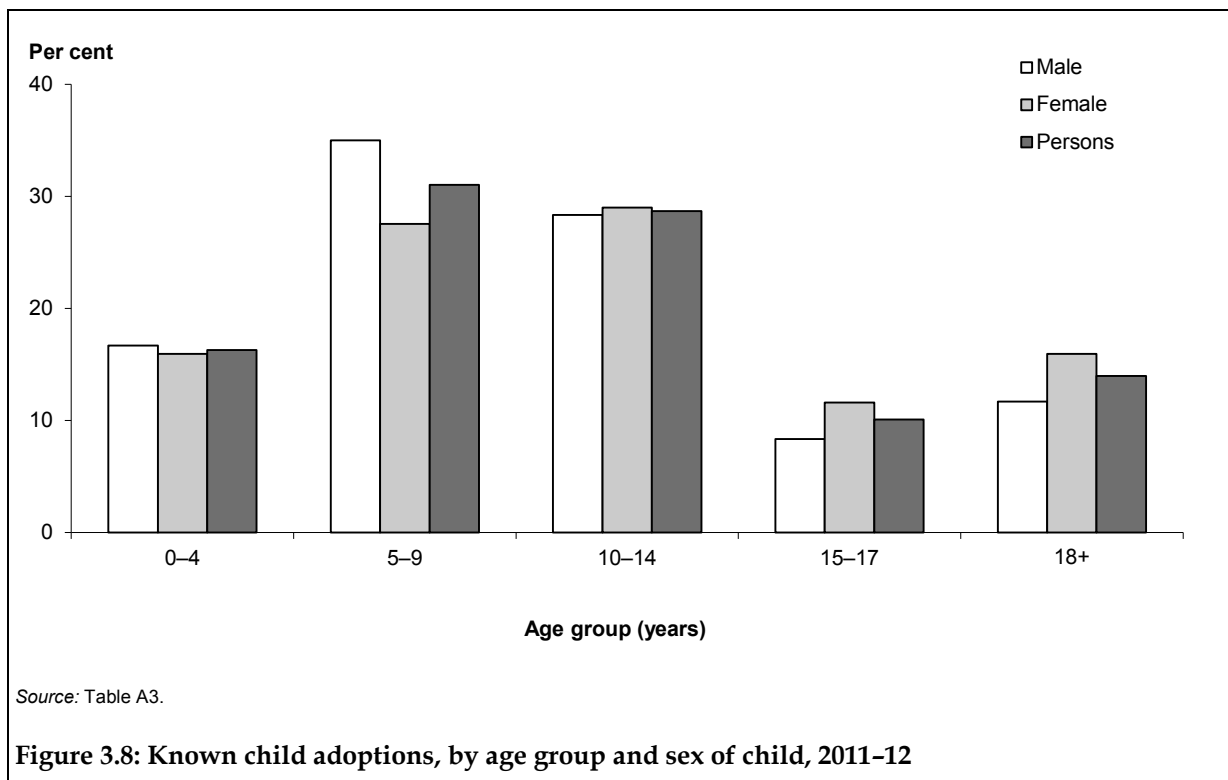
Source: AIHW Adoptions Australia data collection.

## Characteristics of adopted children

Overall, 47% of known child adoptees were male and 53% female (Table A3). A higher proportion of males were aged under 10 (52% compared with 44%) and a higher proportion of females were aged over 14 (28% compared with 20%) (Figure 3.8).

Australian children from known child adoptions tend to be much older than children in local or intercountry adoptions. Half (53%) of known child adoptions finalised in 2011–12 were of children aged 10 and over – 14% were aged 18 and over. Only 16% were of children under 5 (Table A3; Figure 3.8). This reflects requirements around the known child’s age and the length of time the prospective parent(s) need to have had a relationship with the child (see Appendix B.1).

The older age of children in known child adoptions is also affected by the high proportion of adoptions by step-parents – 40% of known adoptions finalised in 2011–12 (Table A22). Children adopted by step-parents tend to be older than those adopted by other adults because of the additional time involved in forming step families. Of the known adoptions finalised in 2011–12, about four-fifths (81%) of the children in step-parent adoptions were aged 10 and over, compared with 34% of children adopted by the other categories of known adoptive parents (Table A23).



## 3.5 Access to information

The way information is accessed under Australia's adoption law has changed significantly since the 1980s, starting with Victoria's *Adoption Act 1984*. Changes in Australian adoption procedures have paralleled a shift in social attitudes from one in which adoptions were regarded as providing a service for adults to one in which the wellbeing of children has become paramount.

Currently, all states and territories have legislation that grants certain information rights to adopted people who are aged 18 and over, and to their adoptive and birth families. However, the extent of these rights and of the protection of the privacy of parties to the adoption varies among the jurisdictions (Appendix B.2 and B.3).

## Information applications

All states and territories have established adoption information services or information and contact registers (or other similar systems). The requirements for accessing information about a past adoption differ for each jurisdiction (Appendix B.3).

Parties to an adoption may apply for access to identifying or non-identifying information. 'Identifying information' is information, such as the original birth certificate (adopted persons) or the amended birth certificate (birth parents), which identifies the actual person about whom the information is being sought. 'Non-identifying information' does not identify the person about whom the information is sought; this can include age of birth parent(s) and place of birth.

In 2011–12:

- There were 2,619 information applications made—86% for identifying information and 14% for non-identifying information (Table 3.14).
- The majority of the information applications (both identifying and non-identifying) were made by the adopted person (70% in total), 14% were made by the birth parents and 8% by other birth relatives (Table 3.14).
- More than four-fifths (85%) of adopted persons seeking identifying information were aged 35 and over (Table 3.15).
- A similar proportion of male and female adopted persons sought identifying information (49% compared with 51%) (Table 3.15).

**Table 3.14: Number of information applications lodged, by person lodging application, 2011–12**

Person lodging the application	NSW <sup>(a)</sup>	Vic	Qld	WA <sup>(b)(c)</sup>	SA	Tas	ACT	NT <sup>(b)</sup>	Australia	Total (%)
<b>Identifying information</b>										
Adopted person	497	371	388	125	215	58	21	22	1,697	75.4
Adoptive mother	—	—	1	5	3	—	1	1	11	0.5
Adoptive father	—	—	—	1	1	—	—	1	3	0.1
Birth mother	89	—	86	24	18	5	5	7	234	10.4
Birth father	24	—	10	7	9	2	—	1	53	2.4
Other birth relative(s)	3	—	51	24	23	6	—	3	110	4.9
Other adoptive relative(s)	23	—	1	3	10	—	—	—	37	1.6
Child of adopted person	22	51	—	22	9	2	—	—	106	4.7
Unknown	—	—	—	—	—	—	—	—	—	—
<b>Total</b>	<b>658</b>	<b>422</b>	<b>537</b>	<b>211</b>	<b>288</b>	<b>73</b>	<b>27</b>	<b>35</b>	<b>2,251</b>	<b>100.0</b>
<b>Non-identifying information</b>										
Adopted person	..	—	15	126	1	—	—	2	144	39.1
Adoptive mother	..	9	—	6	—	—	—	—	15	4.1
Adoptive father	..	2	—	—	—	—	—	—	2	0.5
Birth mother	..	35	2	22	1	1	—	1	62	16.8
Birth father	..	9	—	7	—	—	—	—	16	4.3
Other birth relative(s)	..	82	—	21	—	4	—	—	107	29.1
Other adoptive relative(s)	..	—	—	3	—	—	—	—	3	0.8
Child of adopted person	..	—	—	17	—	1	—	—	18	4.9
Unknown	..	—	—	1	—	—	—	—	1	0.3
<b>Total</b>	<b>..</b>	<b>137</b>	<b>17</b>	<b>203</b>	<b>2</b>	<b>6</b>	<b>—</b>	<b>3</b>	<b>368</b>	<b>100.0</b>

(a) In New South Wales, for adoption orders that occur after 1 January 2010, adopted persons, adoptive parents and birth parents are able to apply for identifying information about one another where an adopted person is over the age of 18. Where an adopted person is under the age of 18, he/she will need his/her adoptive parent/s' consent or consent of the Director General of New South Wales Department of Family and Community Services to apply for his/her identifying information. When a birth parent applies or a non-adopted sibling for identifying information where the adopted person is under the age of 18, the birth parent or a non-adopted sibling must produce a supply authority that has been issued after a risk assessment.

(b) In Western Australia and the Northern Territory, clients can apply for both identifying and non-identifying information in the same application. In these cases, the application is counted twice—once under 'identifying information' and once under 'non-identifying information'.

(c) In Western Australia, where an application is lodged by both adoptive/birth parents it is counted under the mother. For identifying and non-identifying information applications in 2011–12, adoptive mother includes two applications from adoptive parents and birth mother includes two applications from birth parents.

**Notes**

1. Data predominantly relate to applicants who are party to a local adoption. Very few applicants are party to an intercountry adoption.
2. 'Identifying information' is information, such as the original birth certificate (adopted persons) or the amended birth certificate (birth parents), which identifies the actual person about whom the information is being sought. 'Non-identifying information' does not identify the person about whom the information is sought; this can include age of birth parent(s) and place of birth.

Source: AIHW Adoptions Australia data collection.

**Table 3.15: Adult adopted persons who lodged information applications, by Indigenous status, age group and sex of applicant, 2011–12**

Age group (years)	Indigenous Australians			Other Australians <sup>(a)</sup>			Total <sup>(a)</sup>			Total (%) <sup>(b)</sup>
	Males	Females	Persons	Males <sup>(c)</sup>	Females <sup>(c)</sup>	Persons	Males	Females	Persons	
18–19	1	—	1	4	17	21	5	17	22	1.8
20–24	1	—	1	9	25	34	10	25	35	2.9
25–34	3	2	5	56	63	119	59	65	124	10.2
35–44	5	2	7	197	178	375	202	180	382	31.3
45+	14	10	24	307	326	633	321	336	657	53.9
<b>Total</b>	<b>24</b>	<b>14</b>	<b>38</b>	<b>574</b>	<b>610</b>	<b>1,191</b>	<b>598</b>	<b>624</b>	<b>1,229</b>	
<b>Total (%)</b>	<b>63.2</b>	<b>36.8</b>		<b>48.5</b>	<b>51.5</b>		<b>48.9</b>	<b>51.1</b>		<b>100.0</b>

(a) Total Males, Females and Persons include persons of unknown age and/or sex.

(b) Percentages exclude one male and one female whose age was unknown, and seven persons whose age and sex were unknown.

(c) Percentages exclude seven persons whose age and sex was unknown.

*Notes*

1. Percentages may not add to 100 due to rounding.
2. New South Wales was unable to provide data for this table.
3. If Indigenous status was unknown, the person was included in the 'Other Australians' category.

Source: AIHW Adoptions Australia data collection.

## Contact and identifying information vetoes

In some cases, a party to an adoption may wish to block contact or access to information by another party to the adoption. In the case of an identifying information veto, a party to an adoption may, in some states and territories, make an application requesting that identifying information not be released to any other party to the adoption.

In some states and territories a contact veto can also be lodged. These vetoes are legally binding and if a person receives identifying information and goes on to contact the other party when a contact veto is in place, legal action can be taken. Contact and information vetoes can, however, be lifted by the person who lodged them. In some states and territories, vetoes are only valid for adoptions that occurred before a particular date, or only last a set time before they need to be renewed. Contact vetoes may be lodged relating to adoptions for which information is never requested (see Appendix B.3).

In 2011–12:

- There were 128 contact and identifying information vetoes lodged (Table 3.16).
- There were 8,722 contact and identifying information vetoes in place at 30 June 2012 (Table 3.17).
- For both vetoes lodged in 2011–12 and vetoes in place at 30 June 2012, more than half were lodged by the adopted person (59% and 55%, respectively). Birth mothers were the next highest proportion (36% and 39%, respectively) (Tables 3.16; Table 3.17).
- The number of vetoes lodged each year has fluctuated over the last decade it has ranged from 52 to 140 (Table A24).
- As in previous years, in 2011–12 the number of applications for information far exceeded the number of vetoes lodged against contact or the release of identifying information – 2,619 compared with 128 (Table A24).

**Table 3.16: Number of vetoes lodged, by person lodging veto, 2011–12**

	Person lodging the veto							Total
	Adopted person	Adoptive mother	Adoptive father	Birth mother	Birth father	Other birth relative	Other adoptive relative	
<b>Contact vetoes lodged</b>								
Australia	50	—	—	22	1	1	—	74
Per cent	67.6	—	—	29.7	1.4	1.4	—	100.0
<b>Identifying information vetoes lodged</b>								
Australia	26	3	1	24	—	—	—	54
Per cent	48.1	5.6	1.9	44.4	—	—	—	100.0
<b>Total vetoes lodged</b>								
<b>Australia</b>	<b>76</b>	<b>3</b>	<b>1</b>	<b>46</b>	<b>1</b>	<b>1</b>	<b>—</b>	<b>128</b>
<b>Total (%)</b>	<b>59.4</b>	<b>2.3</b>	<b>0.8</b>	<b>35.9</b>	<b>0.8</b>	<b>0.8</b>	<b>—</b>	<b>100.0</b>

*Notes*

1. No veto system operates in Victoria.
2. Percentages may not add to 100 due to rounding.

*Source:* AIHW Adoptions Australia data collection.

**Table 3.17: Number of vetoes in place at 30 June 2012, by person lodging veto, for selected states and territories<sup>(a)</sup>**

Person lodging the veto <sup>(a)</sup>	NSW <sup>(b)(c)</sup>	Qld <sup>(b)(c)(d)</sup>	WA <sup>(e)</sup>	SA	Tas <sup>(c)</sup>	ACT <sup>(f)</sup>	NT <sup>(b)</sup>	Total	Total (%)
<b>Contact vetoes</b>									
Adopted person	2,368	1,738	266	..	100	48	..	4,520	54.4
Adoptive mother	..	..	219	..	3	15	..	237	2.9
Adoptive father	..	..	173	..	1	14	..	188	2.3
Birth mother	1,804	1,253	159	..	1	21	..	3,238	39.0
Birth father	53	11	14	..	25	4	..	107	1.3
Other birth relative(s)	..	1	3	..	1	3	..	8	0.1
Other adoptive relative(s)	..	—	1	..	3	—	..	4	—
<b>Total</b>	<b>4,225</b>	<b>3,003</b>	<b>835</b>	<b>..</b>	<b>134</b>	<b>105</b>	<b>..</b>	<b>8,302</b>	<b>100.0</b>
<b>Identifying information vetoes</b>									
Adopted person	..	..	..	231	..	..	2	233	55.5
Adoptive mother	..	..	..	16	..	..	..	16	3.8
Adoptive father	..	..	..	10	..	..	..	10	2.4
Birth mother	..	..	..	153	..	..	1	154	36.7
Birth father	..	..	..	7	..	..	—	7	1.7
Other birth relative(s)	..	..	..	—	..	..	..	—	—
Other adoptive relative(s)	..	..	..	—	..	..	..	—	—
<b>Total</b>	<b>..</b>	<b>..</b>	<b>..</b>	<b>417</b>	<b>..</b>	<b>..</b>	<b>3</b>	<b>420</b>	<b>100.0</b>

(a) Victoria is not included in the table because no veto system operates in that state.

(b) In some jurisdictions, only certain people may lodge a veto. In New South Wales, only adopted persons and birth parents may lodge a contact veto and these vetoes may only be lodged in relation to an adoption which occurred before 26 October 1990. In Queensland, a contact statement requesting no contact can be lodged by birth parents and adopted people and it is an offence to contact a person who has lodged a contact statement if the adoption order was made before June 1991. In the Northern Territory, only the adopted person and birth parent(s) are able to lodge vetoes with respect to adoptions finalised before 1994.

(c) The release of identifying information cannot be vetoed in New South Wales or Tasmania. In Queensland, the release of identifying information cannot be vetoed; however, the Children's Court can make an order preventing the release of information where there is an unacceptable risk the release of information would put the safety of another person at risk.

(d) In Queensland, since 1 February 2010, the *Adoption Act 2009* has allowed for a person to lodge a contact statement specifying how they wish contact to occur as well as specifying no contact. Of the total in 2011–12, 136 are contact statements specifying how contact is to occur: 38 from birth mothers, 6 from birth fathers and 91 from adopted persons.

(e) In Western Australia, amendments to the *Adoption Act 1994* in 2003 prohibit the placement after 1 June 2003 of any new information or contact vetoes on any adoptions. However, adopted persons turning 18, where adoptive parent(s) have previously placed existing contact vetoes on the adoptee's behalf, have 12 months in which to request the continuation of the current veto. All existing information vetoes became ineffective on 1 June 2005.

(f) In the Australian Capital Territory, vetoes cannot be lodged in respect of adoption orders made after 22 April 2010. Before this date, the release of identifying information could not be vetoed in the Australian Capital Territory.

Note: Percentages may not add to 100 due to rounding.

Source: AIHW Adoptions Australia data collection.

## 4 Trends in adoptions in Australia

The number of annual adoptions in Australia has fallen significantly during the last 25 years. In 1987–88 there were 1,494 finalised adoptions; by 2002–03 this had fallen to 472. In 2011–12 there were only 333 finalised adoptions – a 78% decline since 1987–88 and a 29% decline over the last decade. The 2011–12 figure replaced the 384 adoptions in 2010–11 as the lowest annual number of finalised adoptions since national data have been collated (Table A4; Figure 4.1).

The fall in the number of adoptions of Australian children (comprising local and known child adoptions) can be attributed to a number of changes that have occurred over time. Legislative changes introduced by state and territory departments over the last two decades facilitating a greater use of alternative legal orders have contributed to the decline. These orders, such as permanent care orders in Victoria, transfer permanent guardianship and custody of a child to a person other than the parent (in most cases, to relatives or carers with whom the child is currently living), often replacing the need for adoption (see Appendix B.1). However, as noted in Section 3.4, where reunification is not considered an option, there is a growing preference for the use of adoption as a means of creating stability for children under the long-term care of state and territory child protection services. In 2011–12, this contributed to the highest number of carer adoptions on record (Table A22).

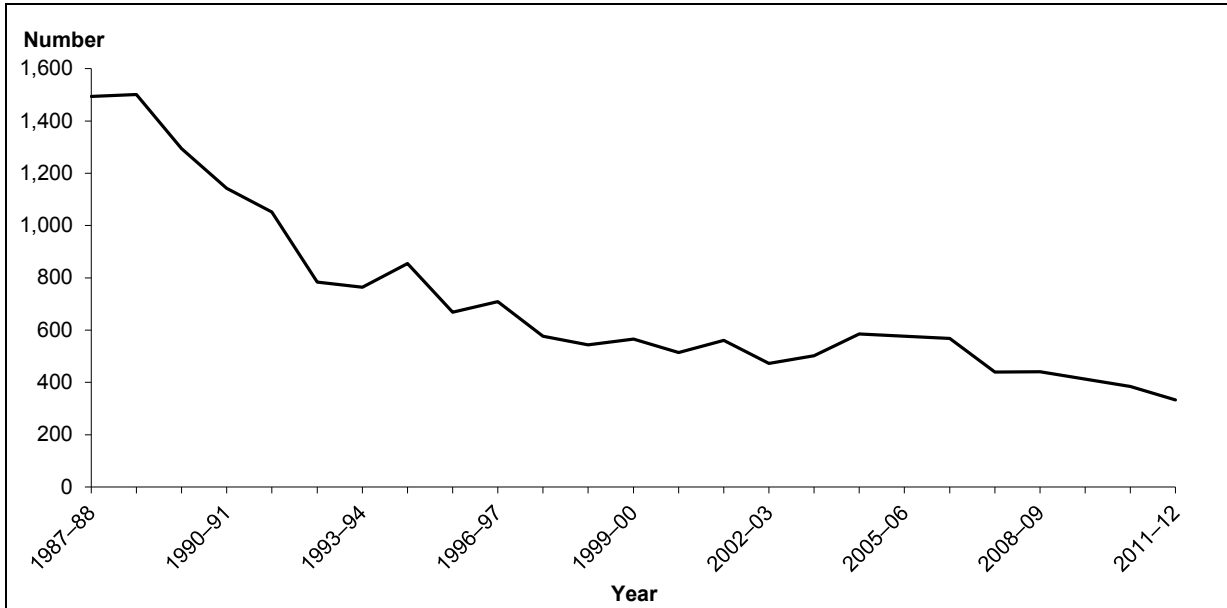
Further, changing views within society have reduced the number of children considered to be in need of adoption. Adoption used to be regarded as a solution to illegitimate babies, the risk of impoverishment for single mothers, and the needs of infertile couples. A high degree of secrecy characterised past practices based on the notion that, among other things, those involved needed to be protected from the social stigma of illegitimacy (Kenny, Higgins, Soloff & Sweid 2012). However, over the last four decades there has been increasing social acceptance of raising children outside registered marriage and increased levels of support available to lone parents (Kenny et al. 2012). These changes have reduced the pressure on unmarried women to give up their children for adoption. The secrecy that surrounded past adoptions has also given way to a system predominantly characterised by the open exchange of information.

Broader social trends, such as declining fertility rates, the wider availability of effective birth control and the emergence of family planning centres (ABS 2010), have also likely contributed to a reduction in Australian children requiring adoption.

While the long-term fall is more notable for the number of Australian children adopted (an 84% decline from 1,183 in 1987–88 to 184 in 2011–12), the 149 intercountry adoptions finalised in 2011–12 continued a 7-year pattern of decline in intercountry adoption numbers (resulting in a 52% decline from the 308 such adoptions in 1987–88). For the first time since 1998–99, more Australian children had their adoption order finalised in 2011–12 than children from overseas (excluding expatriate adoptions) (55% and 45%, respectively) (Table A4; Figure 4.2).

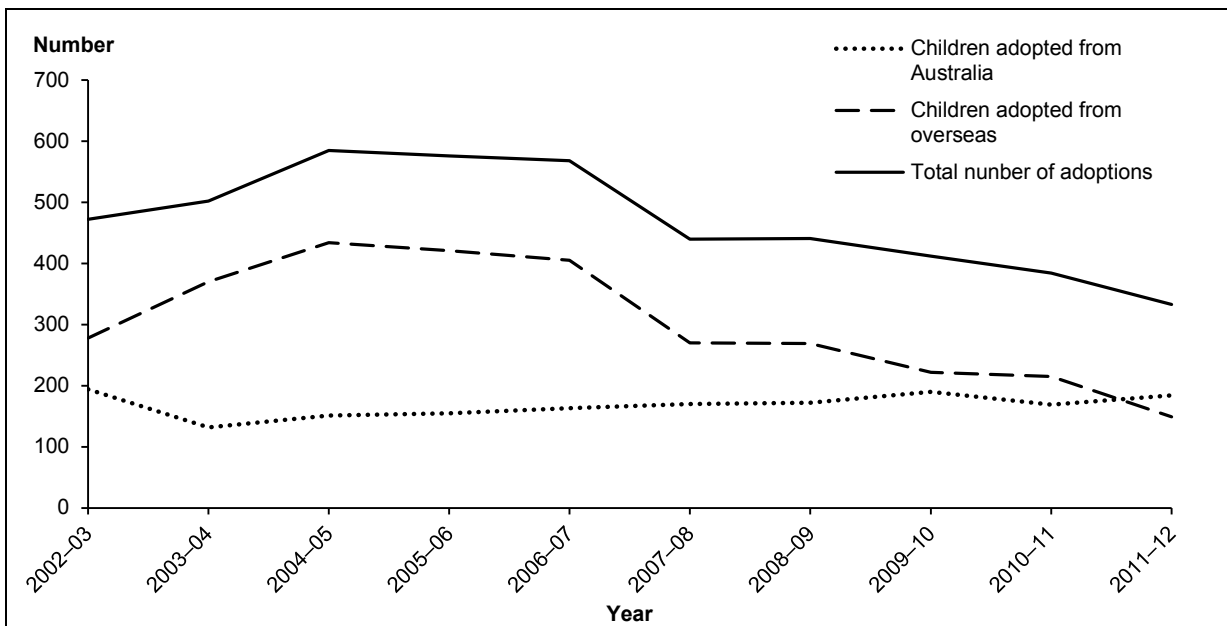
Factors contributing to the decline in intercountry adoptions include economic and social changes which allow children to remain with their birth family or be adopted in their country of origin. This results in a reduction in the number of children in need of intercountry adoption and has led to countries of origin employing strategies to reduce or manage the number of adoption applications they receive, for example, by introducing more stringent eligibility requirements, or quotas.





Source: Table A4.

**Figure 4.1: Number of children legally adopted in Australia, 1987-88 to 2011-12**



Source: Table A4.

**Figure 4.2: Number of children legally adopted in Australia, by type of adoption 2002-03 to 2011-12**

Between 2007-08 and 2011-12, the rate of those aged 0-17 who were the subject of a finalised adoption during the given year fell from about 9 per 100,000 to 6 per 100,000 (Table 4.1).

**Table 4.1: Number and rate of adoptions of children aged 0–17, 2007–08 to 2011–12**

Year	Number of adoptions (0–17) <sup>(a)</sup>	Adoptions per 100,000 <sup>(b)</sup>
2007–08	426	8.6
2008–09	431	8.6
2009–10	398	7.8
2010–11	358	7.0
2011–12	315	6.2

(a) Number of adoptions excludes those finalised adoptions of adoptees aged 18 and over.

(b) Rate based on ABS estimated resident population aged 0–17 at 31 December 2011.

Source: AIHW Adoptions Australia data collection and AIHW analysis of ABS 2011 unpublished estimates.

## 4.1 Trends in categories of adoptions

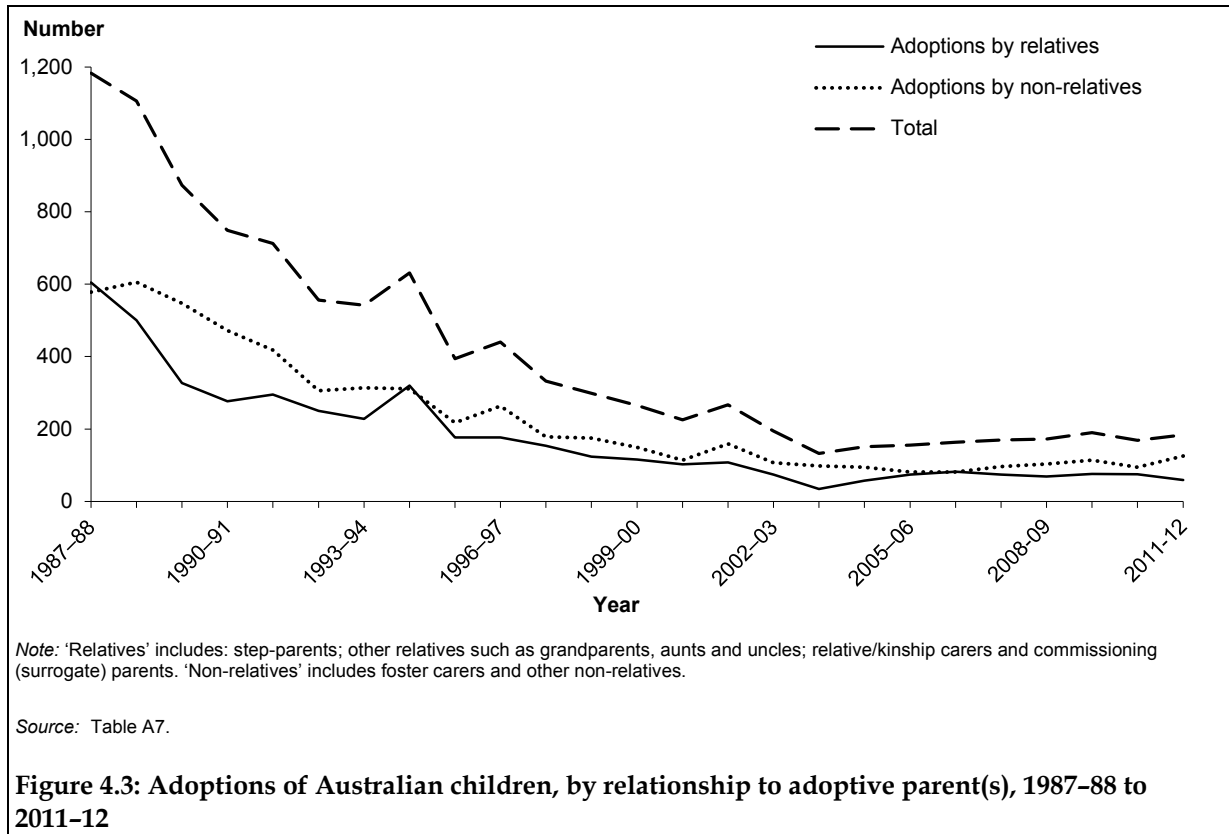
### Adoption of Australian children

Between 1987–88 and 2011–12, the number of finalised annual adoptions of Australian children fell from 1,183 to 184 – an 84% decline (Table A4). Although changes to the adoption categories in 1998–99 limit the amount of trend data available for local and known child adoptions, it is possible to explore trends for adoptions by both relatives and non-relatives over a longer period.

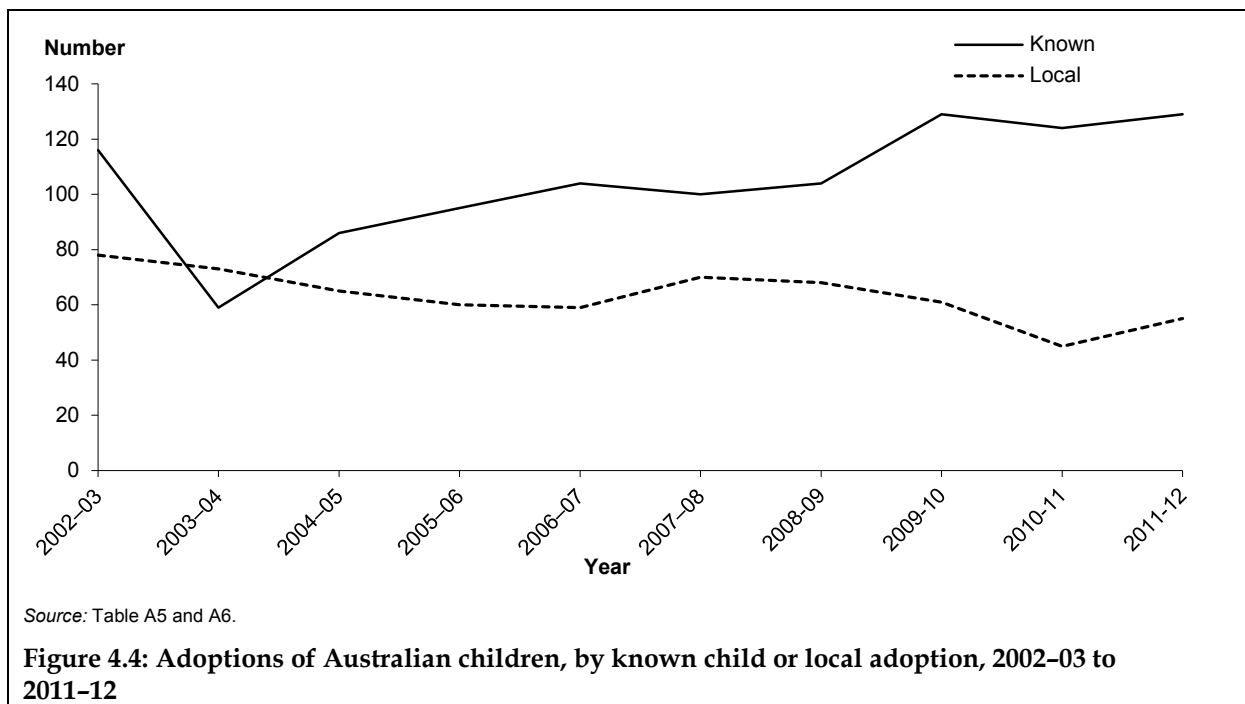
While the numbers of Australian children adopted by relatives and non-relatives have decreased overall since 1987–88 (90% and 78%, respectively), there have been some fluctuations since the mid-1990s. For example, from 2003–04 to 2011–12, there has been a moderate increase in numbers – from 132 finalised adoptions of Australian children to 184, or 39% (Table A7; Figure 4.3).

The number of adoptions by non-relatives, such as foster parents, over the last decade increased 17% from 107 adoptions finalised in 2002–03 to 125 in 2011–12. In comparison, adoptions by relatives finalised during this time fell from 74 to 59 (Table A7).

Non-relative adoption has generally remained the more common of the two forms of adoption over the last 25 years (Table A7; Figure 4.3). This trend likely reflects the fact that, with the exception of step-parent adoption, most states and territories have policies that promote the use of parental responsibility orders rather than adoption in circumstances where a child is to be permanently cared for by a relative (for example, the use of permanent care and guardianship/custody orders).



The number of finalised local and known adoptions have fluctuated over time, but decreased overall since 1998-99 – from 127 to 55, and from 172 to 129, respectively (Table A5; Table A6). Notably, the number of known adoptions fell to 59 by 2003-04, but since then has more than doubled to 129 in 2011-12 (Figure 4.4).



## **Adoption of overseas children**

In Australia, between 1999–00 and 2010–11, there were more intercountry adoptions finalised each year than local and known adoptions combined. However, in 2011–12, children adopted from overseas represented 45% of all adoptions finalised – a decrease from 56% of all adoptions in 2010–11 (Table A4).

In the last decade, 303 children were, on average, the subject of a finalised intercountry adoption each year. At about half this average, the 149 intercountry adoptions finalised in 2011–12 represented the seventh year of decline in annual numbers and the lowest number of such adoptions during the period (Table A9).

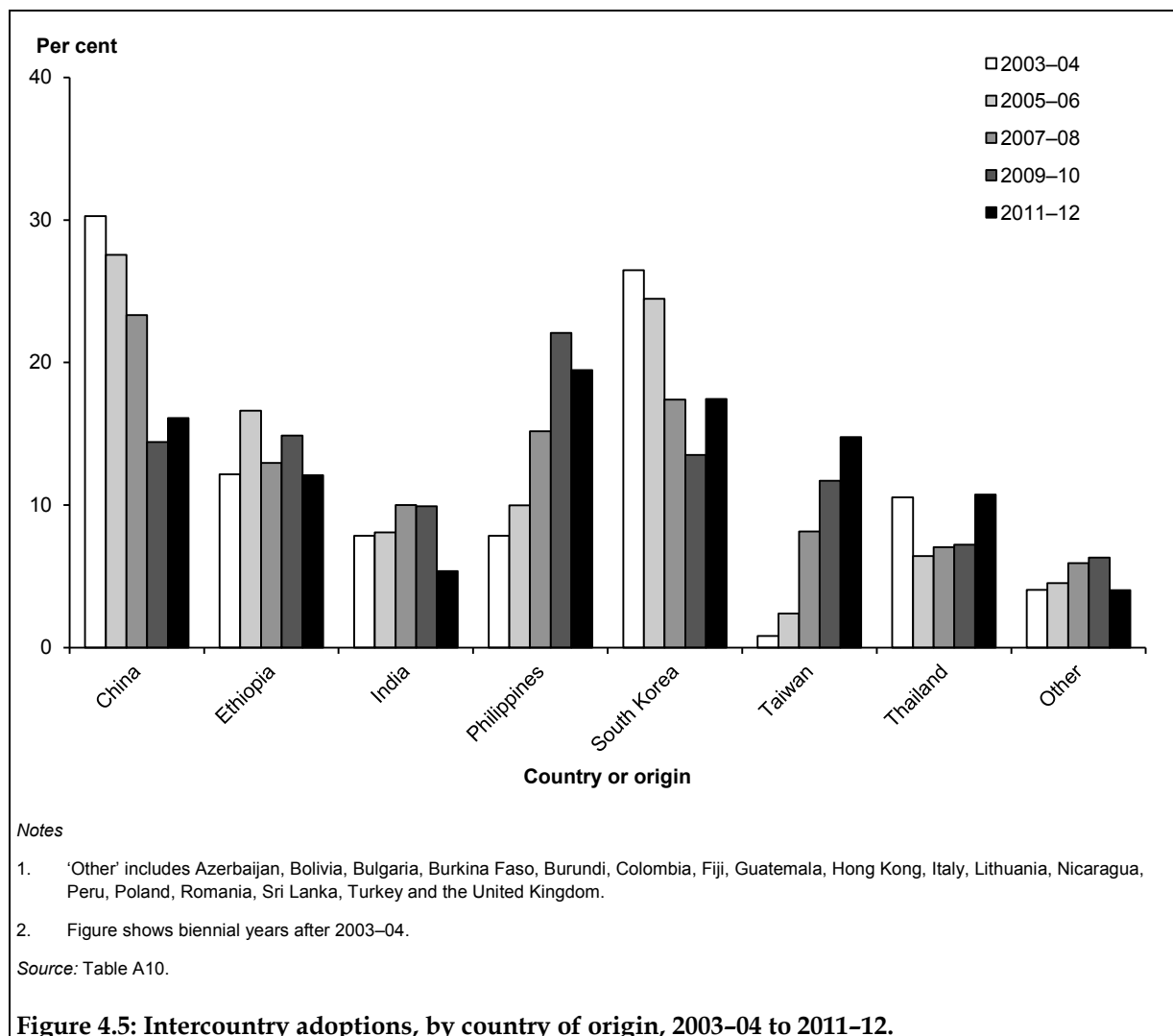
The change in the number of intercountry adoptions can, at least in part, be attributed to variations in the intercountry programs operating each year and changes in adoption practices in countries of origin. For example, South Korea has been deliberately reducing the number of exit permits for children approved for intercountry adoption, giving preference to local options (AGD 2012a). Similarly, domestic adoption numbers in India more than doubled from 2006 to 2011 (Central Adoption Resource Authority 2012). Thailand has introduced a quota to manage the number of applications it receives (excepting applications to adopt a child with special needs), and the Philippines maintained its moratorium on accepting applications to adopt children under the age of 25 months during 2011–12. Similarly, Lithuania has tightened eligibility criteria, now only accepting adoption applications from people of Lithuanian origin.

More recently, the Attorney-General decided to close the Ethiopian program on 28 June 2012. The Attorney-General made this decision due to the specific circumstances of the Ethiopian adoption environment, as well as the program's unique operational requirements. While children adopted through the program before this date will continue to have their adoptions finalised in Australia as per standard practice, the closure of the program will affect the number of finalisations from Ethiopia in coming years. The AGD website provides additional information on changes to intercountry programs (AGD 2012g).

## **Countries of origin**

In accordance with the changes noted above, the proportions of finalised intercountry adoptions that can be attributed to particular countries of origin each year have fluctuated. Over the past decade, the proportion of adoptions from China and South Korea has generally declined (Table A10; Figure 4.5).

In contrast, the proportions from the Philippines and Taiwan have increased and the proportions from other countries, such as Ethiopia, India and Thailand, have fluctuated (Table A10; Figure 4.5). Factors such as the 2010 hold on sending new adoption applications to India and the suspension of the Ethiopia program between 2009 and early 2010 have likely contributed to the fluctuations in numbers for these programs. However, caution should be used, given that for both countries adoptions are currently finalised in Australia. This may mean the adoption is not finalised until a number of years after the child arrives in Australia.

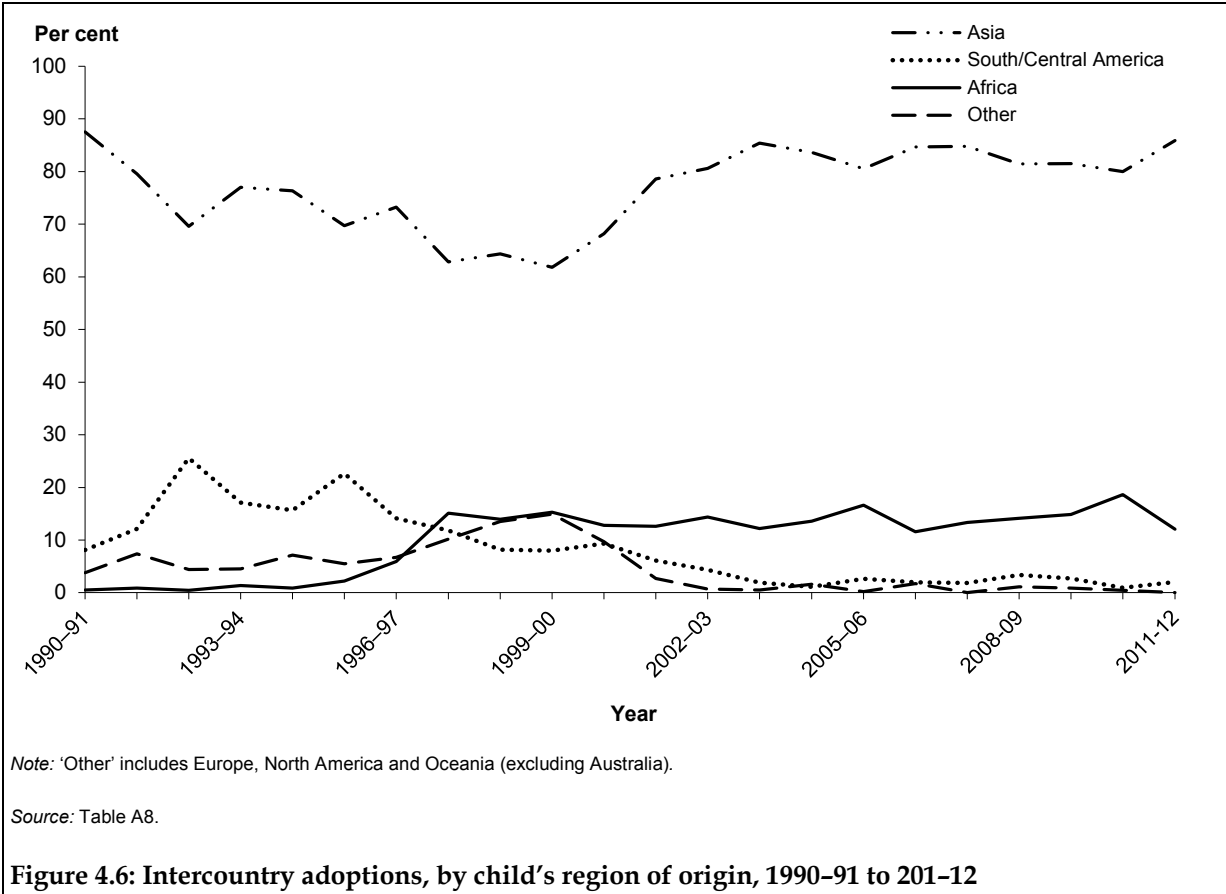


Although the majority of intercountry adoptions have consistently been from Asia, there have been considerable changes in the proportion of children adopted from Africa and South/Central America (Figure 4.6).

Despite the number of finalised adoptions from Ethiopia falling to a 15-year low in 2011-12, children from Africa made up 12% of all intercountry adoptions finalised in 2011-12 – up from less than 1% in 1990-91 (Table A8; Figure 4.6). This change can be directly attributed to the increase in adoptions from Ethiopia during this time – from less than five adoptions per year before 1995-96, to a peak of 70 adoptions in 2005-06 (AIHW 2004; Table A10).

In contrast, the proportion of children adopted from South/Central American countries has declined since the early 1990s – from 26% of all intercountry adoptions in 1992-93 to 2% in 2011-12 (Table A8; Figure 4.6). This is largely due to a decrease in children adopted from Colombia between 1995-96 and 2011-12, from 15% of all intercountry adoptions to 1% – reflecting efforts by this country since becoming a signatory to the Hague Convention in 1998 to give local adoption a higher priority (AIHW 2004; Table A10).

Adoptions from Romania were responsible for the increase in adoptions from 'Other' countries between 1998-99 and 2000-01. However, shortly after this period Australia's program with Romania closed, in part, due to changes in Romania's adoption law (AIHW 2009; AGD 2012a; Centre for Adoption Policy Studies 2002).



**Processing times**

Despite Australian Central Authorities maintaining or improving the time taken to complete aspects of the intercountry adoption process they are responsible for, the median length of time from the approval of an applicant in Australia to the placement of a child has steadily increased – from 37 months in 2007-08 to 56 months in 2011-12 (Table 4.2).

The increase can be largely attributed to the increased time taken by countries of origin to allocate children after receiving files from Australia. In 2007-08, the median length of time for this part of the adoption process was 19 months, by 2011-12 this had increased to 30 months – a change of 11 months, or 58%.

Processing times can be affected by a number a factors, including the number and characteristics of children in need of intercountry adoption, the number of applications received and the resources of the overseas authority – factors that are outside the control of Australian authorities.

**Table 4.2: Median length of time (in months) for the intercountry adoptions process, for children placed in 2007–08 to 2011–12<sup>(a)</sup>**

Year	From when the applicant(s) became official clients of the department, to when an approval decision was made	From when an approval decision was made, to when the file was sent overseas	From when the file was sent overseas, to when the child was allocated	From when the child was allocated, to when the child was placed	Total process <sup>(b)</sup>
2007–08	10	3	19	3	37
2008–09	11	4	18	4	42
2009–10	10	3	18	5	45
2010–11	9	3	29	4	49
2011–12	8	4	30	5	56

(a) This table includes all children who were placed with their adoptive families from 2007–8 to 2011–12, by the length of time that it took for the processes prior to placement to be completed.

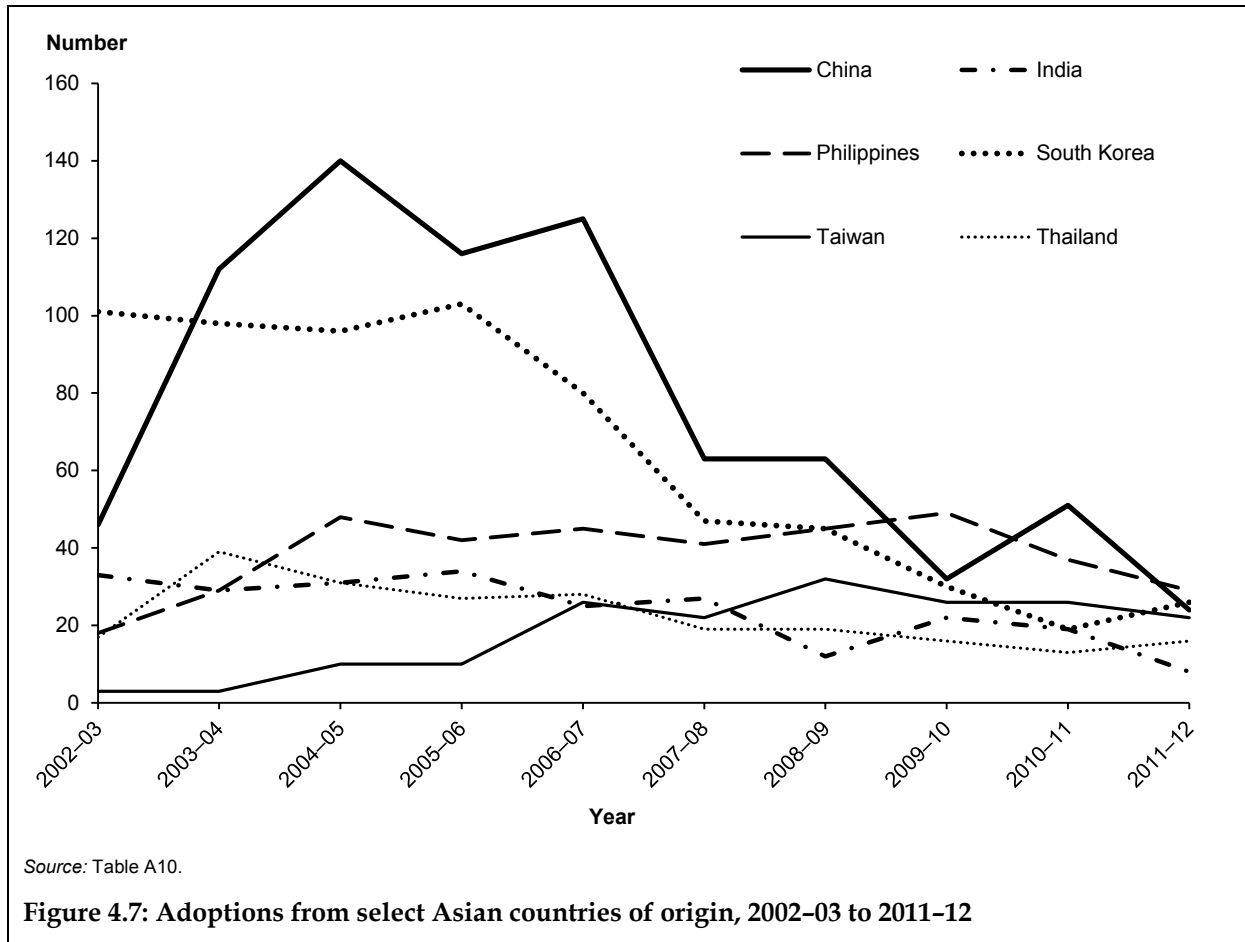
(b) Total process is the overall average length of time from when the applicant(s) became official clients of the department, to when the child was placed and may not be equal to the sum of the preceding processes due to rounding.

Source: AIHW Adoptions Australia data collection.

### Asian countries of origin

There have been some notable changes among the Asian countries of origin since the early 1990s. South Korea was the leading country of origin between 1991–92 and 2002–03. However, after Australia signed a bilateral agreement with China in 1999, the number of annual finalised adoptions from China increased from 15 in 2000–01 to 140 in 2004–05 (AIHW 2010b). With the exception of 2009–10 and 2011–12, China has been the leading country of origin since 2003–04. However, like South Korea, it has recently introduced more stringent regulations for foreign adoptions, and put greater emphasis on local adoption solutions in an effort to find permanent homes for children in its own country. As a result, the number of children adopted from China has declined in recent years. Since the 2004–05 peak of 140 finalised adoptions, numbers have fallen to 24. During the same period, the number of adoptions from South Korea fell from 96 to 26. For only the second time, the Philippines was the leading country of origin in 2011–12 (Table A10; Figure 4.7).

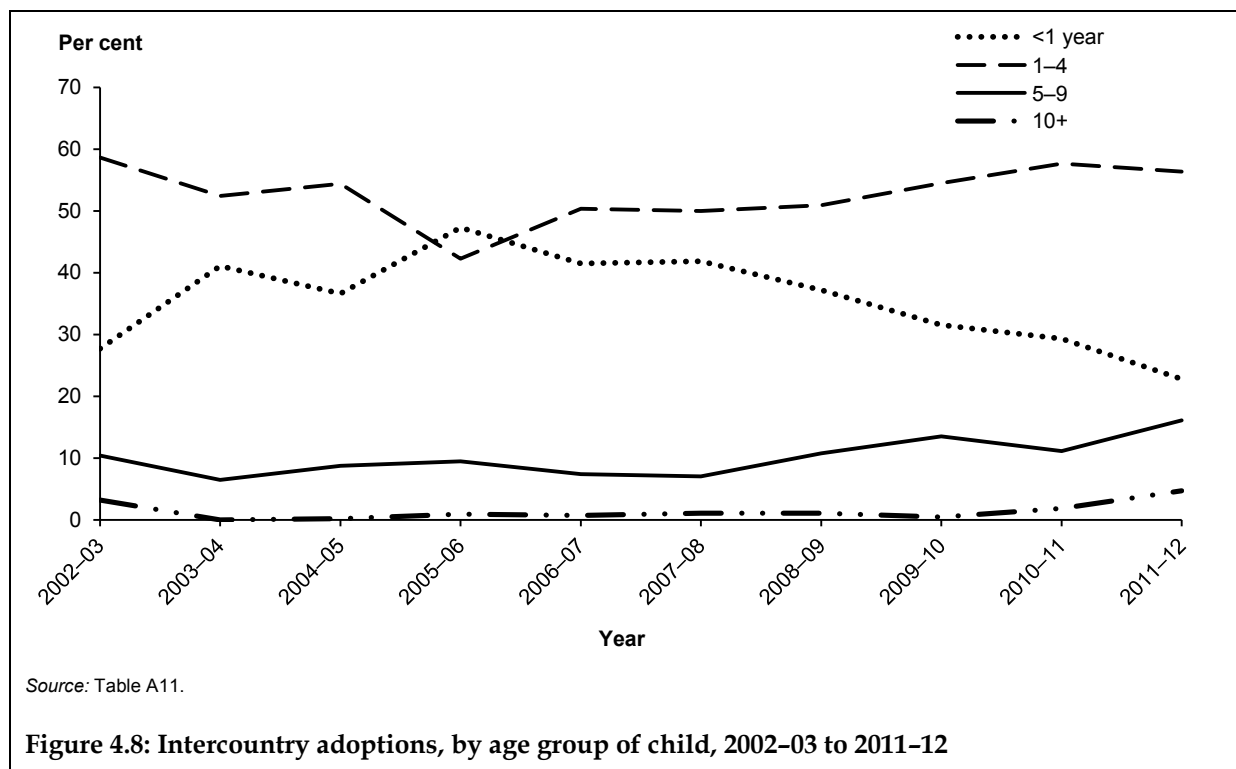
Adoptions from India have fluctuated but generally declined – the number of finalised adoptions fell from 33 to 8 between 2002–03 and 2011–12. In contrast, the number of adoptions from the Philippines increased rapidly between 2002–03 and 2004–05 (from 18 to 48, respectively), and remained relatively stable until numbers fell from 49 in 2009–10 to 29 finalised adoptions in 2011–12. Similarly, the number of adoptions from Taiwan increased from 2002–03 to 2006–07 (from 3 to 26, respectively) before stabilising. Accordingly, the proportion of annual adoptions from Taiwan has increased – more than doubling from 6% in 2006–07 to 15% in 2011–12 (Table A10; Figure 4.7).



## Infants

The proportion of infants under 12 months adopted from overseas has been declining since 2005-06 – from 47% to 23% (Table A11; Figure 4.8). A number of factors contribute to this trend. For example, the number of infants in need of intercountry adoption can be affected by improving overseas domestic adoption practices and the degree of acceptance of single motherhood in countries of origin. Further, falling fertility rates in key countries of origin, such as South Korea, are likely to affect the number of infants in need of intercountry adoption (AGD 2009; Selman 2009).





### Living arrangements of overseas adoptees 12 months later

All intercountry children who were placed with adoptive parents in 2010-11 (excluding those placed in Queensland and Western Australia for whom data were not available) were still in the same living arrangements 12 months later. That is, all intercountry adoptees were still residing with their adoptive families and the parental structures of those families were unchanged – indicating that adoption disruption did not occur for any of the 2010-11 placements (AIHW Adoptions Australia data collection). As data only capture changes that occurred for intercountry adoptees and only during the 12 months after they were placed with their adoptive families, this should only be interpreted as an approximate measure of the incidence of adoption disruption (see Glossary for definition).

## 4.2 Adoption of Aboriginal and Torres Strait Islander children

The Aboriginal and Torres Strait Islander Child Placement Principle outlines a preference for the placement of Aboriginal and Torres Strait Islander children with Indigenous people when the children are placed outside their family (Lock 1997). This preference is applied in adoption cases where such a placement is in the best interest of the child. The Principle has the following order of preference for the placement of Aboriginal or Torres Strait Islander children: with the child’s extended family; within the child’s Indigenous community; and with other Indigenous people.

Where these options are not available or appropriate, Indigenous children may be adopted by other families. All states and territories have adopted the Placement Principle in policy and practice. In Western Australia and Victoria, legislation permits the birth parents to specify the type of adoptive family they would like for their child.

The number of Aboriginal and Torres Strait Islander children who are adopted each year is small. In 2011–12, there were nine adoptions of an Aboriginal and Torres Strait Islander child finalised in Australia. These adoptions were all known child adoptions, with three by Indigenous parents. Due to the small number of these adoptions each year, it is difficult to identify trends in the number of adoptions of Aboriginal and Torres Strait Islander children. In the last decade, 58% of the Aboriginal and Torres Strait Islander children who were the subject of a finalised adoption in Australia were adopted by parents who identified as Indigenous Australians (Table 4.3).

**Table 4.3: Number of Indigenous children adopted, by Indigenous status of adoptive parent(s), 2002–03 to 2011–12**

Year	Indigenous status of adoptive parent(s)		Total
	Indigenous Australian	Other Australian	
2002–03	—	2	2
2003–04	—	1	1
2004–05	2	2	4
2005–06	3	2	5
2006–07	4	2	6
2007–08	4	—	4
2008–09	5	—	5
2009–10	2	1	3
2010–11	—	1	1
2011–12	3	6	9
<b>Total</b>	<b>23</b>	<b>17</b>	<b>40</b>
<b>Per cent</b>	<b>57.5</b>	<b>42.5</b>	<b>100.0</b>

*Notes*

1. Adoptive parents are included in the 'Indigenous Australian' category when at least one of the parents identified as Aboriginal or Torres Strait Islander. Where the Indigenous status of both parents was not known, the adoption was included in the 'Other Australian' category.
2. Indigenous status of children and adoptive parent(s) is not always available for adoptions of adults.

*Source:* AIHW Adoptions Australia data collection.

### 4.3 Permanent care orders (Victoria only)

Permanent care orders provide an alternative to adoption in Victoria. They were introduced in 1992 to overcome the uncertainty often associated with placing children on guardianship or custody orders. Permanent care orders grant permanent guardianship and custody of a child to a third party. Unlike adoption orders, permanent care orders do not change the legal status of the child and they expire when the child turns 18 or marries. There is also provision for an application to be made to revoke or amend a permanent care order.

The granting of a permanent care order is usually the final step in the process of permanent family placement for children who have been abused or neglected, or who are in need of care and protection for other reasons, and are unable to remain safely within the birth family. The aim of placing a child on a permanent care order is to provide an opportunity for the child to develop a stable caring relationship with nurturing caregivers, without severing the tie with the biological family.

Since 1992–93, the number of permanent care orders granted in Victoria has fluctuated, but generally increased. In 2011–12, there were 243 orders granted; a 29% increase from the 189 granted in 2010–11 and a substantial increase on the 11 issued in 1992–93 (Table 4.4).

A total of 3,117 permanent care orders have been granted by the Department of Human Services in Victoria since their inception in 1992.

**Table 4.4: Number of permanent care orders granted in Victoria, 1992-93 to 2011-12**

<b>Year</b>	<b>Males</b>	<b>Females</b>	<b>Total</b>
1992-93	7	4	11
1993-94	36	38	74
1994-95	65	70	135
1995-96	56	54	110
1996-97	54	41	95
1997-98	63	61	124
1998-99	67	75	142
1999-00	68	90	158
2000-01	83	78	161
2001-02	99	92	191
2002-03	48	66	114
2003-04	86	75	161
2004-05	115	90	205
2005-06	75	88	163
2006-07	99	102	201
2007-08	130	115	245
2008-09	93	103	196
2009-10	104	95	199
2010-11	101	88	189
2011-12	122	121	243

*Note:* Data for 2000-01 and 2005-06 have been updated and may differ from that previously published.

*Source:* Victorian Government Department of Human Services.

# Appendix A Statistical tables

**Table A1: Number of children legally adopted, by state and territory, 1987–88 to 2011–12**

Year	NSW <sup>(a)</sup>	Vic	Qld <sup>(b)</sup>	WA	SA	Tas	ACT <sup>(b)</sup>	NT	Australia
1987–88	280	114	309	191	416	120	36	28	<b>1,494</b>
1988–89	335	288	353	147	221	85	47	25	<b>1,501</b>
1989–90	360	212	278	128	174	71	50	21	<b>1,294</b>
1990–91	329	258	210	136	103	61	25	20	<b>1,142</b>
1991–92	310	185	232	120	112	58	23	12	<b>1,052</b>
1992–93	209	101	222	87	111	23	20	10	<b>783</b>
1993–94	188	112	206	85	106	37	21	9	<b>764</b>
1994–95	260	145	179	127	108	12	18	6	<b>855</b>
1995–96	204	131	170	75	48	17	19	4	<b>668</b>
1996–97	263	123	129	56	79	30	26	3	<b>709</b>
1997–98	200	114	111	69	48	19	15	1	<b>577</b>
1998–99	185	102	94	64	53	25	16	6	<b>543</b>
1999–00	154	122	105	79	59	19	24	4	<b>566</b>
2000–01	166	98	62	74	53	24	27	10	<b>514</b>
2001–02	207	110	49	79	62	20	23	11	<b>561</b>
2002–03	122	82	67	76	72	21	25	7	<b>472</b>
2003–04	115	120	65	59	79	26	33	5	<b>502</b>
2004–05	154	161	84	49	77	23	20	17	<b>585</b>
2005–06	149	131	82	62	72	35	30	15	<b>576</b>
2006–07	164	127	91	65	62	26	22	11	<b>568</b>
2007–08	125	98	86	41	36	31	14	9	<b>440</b>
2008–09	155	71	92	43	35	23	13	9	<b>441</b>
2009–10	157	81	68	50	26	9	16	5	<b>412</b>
2010–11 <sup>(c)</sup>	165	86	40	37	30	14	11	1	<b>384</b>
2011–12	150	72	33	26	24	6	11	11	<b>333</b>

(a) New South Wales was unable to provide data on adoptions by step-parents from 1987–88 to 1993–94.

(b) Data for Queensland and the Australian Capital Territory for 1987–88 and 1998–99 may differ from previous reports because of updated figures.

(c) Interim adoption orders made by the Children Court in Queensland are not captured in this data set. Under the Adoption Act 2009 that began in February 2010, a final adoption order is normally made at the successful completion of a supervised interim order that is completed over a 12-month period. This requirement has affected final adoption orders made in Queensland in 2010–11.

Source: AIHW Adoptions Australia data collection.

**Table A2: Placement adoptions – number of children who were placed for adoption, regardless of whether the adoption order was finalised, 2011–12**

Type of adoption	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Australia
Local placement	16	25	20	5	3	2	—	1	72
Intercountry placement									
Hague adoption	28	18	6	2	9	1	6	1	71
Non-Hague adoption	18	5	12	4	5	7	3	6	60
<b>Total</b>	<b>62</b>	<b>48</b>	<b>38</b>	<b>11</b>	<b>17</b>	<b>10</b>	<b>9</b>	<b>8</b>	<b>203</b>

Note: This table includes children placed with their adoptive families before their adoption order was finalised. Some children placed for adoption during this period may not have their adoption finalised until the following year. In addition, some adoption orders finalised in 2011–12 may relate to children who were placed in the previous year. Therefore, numbers do not add to the total adoptions recorded during 2011–12 (333).

Source: AIHW Adoptions Australia data collection.

**Table A3: Adoptions, by type of adoption, by age group and sex of child, 2011–12**

Age group (years)	Intercountry adoptions			Local adoptions			Known child adoptions			Total		
	M	F	P	M	F	P	M	F	P	M	F	P
	<b>Number</b>											
Under 1	17	17	34	10	10	20	—	—	—	27	27	54
1	15	19	34	9	8	17	3	—	3	27	27	54
2–4	31	19	50	9	7	16	7	11	18	47	37	84
5–9	13	11	24	2	—	2	21	19	40	36	30	66
10–14	1	5	6	—	—	—	17	20	37	18	25	43
15–17	—	1	1	—	—	—	5	8	13	5	9	14
18+	—	—	—	—	—	—	7	11	18	7	11	18
<b>Total</b>	<b>77</b>	<b>72</b>	<b>149</b>	<b>30</b>	<b>25</b>	<b>55</b>	<b>60</b>	<b>69</b>	<b>129</b>	<b>167</b>	<b>166</b>	<b>333</b>
	<b>Per cent</b>											
Under 1	22.1	23.6	22.8	33.3	40.0	36.4	—	—	—	16.2	16.3	16.2
1	19.5	26.4	22.8	30.0	32.0	30.9	5.0	—	2.3	16.2	16.3	16.2
2–4	40.3	26.4	33.6	30.0	28.0	29.1	11.7	15.9	14.0	28.1	22.3	25.2
5–9	16.9	15.3	16.1	6.7	—	3.6	35.0	27.5	31.0	21.6	18.1	19.8
10–14	1.3	6.9	4.0	—	—	—	28.3	29.0	28.7	10.8	15.1	12.9
15–17	—	1.4	0.7	—	—	—	8.3	11.6	10.1	3.0	5.4	4.2
18+	—	—	—	—	—	—	11.7	15.9	14.0	4.2	6.6	5.4
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>

M = males, F = females, P = persons

*Notes*

1. Percentages may not add to 100 because of rounding.
2. For local and intercountry adoptions, 'age of child' refers to the age of the adopted child at the date of placement with the adoptive parent(s); for known child adoptions, 'age of child' refers to the age of the adopted child at the date the adoption order was granted.
3. Refer to the Glossary for definitions of the various adoption categories.

Source: AIHW Adoptions Australia data collection.

**Table A4: Adoptions in Australia, by type of adoption, 1987–88 to 2011–12**

Year	Children adopted from Australia		Children adopted from overseas		Total <sup>(a)</sup>	
	Number	Per cent	Number	Per cent	Number	Per cent
1987–88	1,183	79.2	308 <sup>(b)</sup>	20.6	1,494	100.0
1988–89	1,106	73.7	394	26.2	1,501	100.0
1989–90	874	67.5	420	32.5	1,294	100.0
1990–91	749	65.6	393	34.4	1,142	100.0
1991–92	713	67.8	338	32.1	1,052	100.0
1992–93	556	71.0	227	29.0	783	100.0
1993–94	542	70.9	222	29.1	764	100.0
1994–95	631	73.8	224	26.2	855	100.0
1995–96	394	59.0	274	41.0	668	100.0
1996–97	440	62.1	269	37.9	709	100.0
1997–98	332	57.5	245	42.5	577	100.0
1998–99	299	55.1	244	44.9	543	100.0
1999–00	265	46.8	301	53.2	566	100.0
2000–01	225	43.8	289	56.2	514	100.0
2001–02	267	47.6	294	52.4	561	100.0
2002–03	194	41.1	278	58.9	472	100.0
2003–04	132	26.3	370	73.7	502	100.0
2004–05	151	25.8	434	74.2	585	100.0
2005–06	155	26.9	421	73.1	576	100.0
2006–07	163	28.7	405	71.3	568	100.0
2007–08	170	38.6	270	61.4	440	100.0
2008–09	172	39.0	269	61.0	441	100.0
2009–10	190	46.0	222	54.0	412	100.0
2010–11	169	44.0	215	56.0	384	100.0
2011–12	184	55.3	149	44.7	333	100.0

(a) Includes children of unknown country of origin. Therefore, numbers and percentages for subcategories may not add to those for total.

(b) Excludes Victoria for which data were not available in 1987–88.

Note: New South Wales was unable to provide data on adoptions by step-parents from 1987–88 to 1993–94.

Sources: AIHW Adoptions Australia data collection.

**Table A5: Number of local adoptions, by state and territory, 1998–99 to 2011–12**

Year	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Australia
1998–99	50	30	22	6	6	11	1	1	127
1999–00	31	34	24	10	3	2	2	—	106
2000–01	28	28	9	6	5	5	2	2	85
2001–02	54	22	10	13	3	2	3	—	107
2002–03	22	20	23	6	3	3	1	—	78
2003–04	24	23	14	3	6	1	2	—	73
2004–05	24	16	13	4	2	2	3	1	65
2005–06	23	17	8	9	—	2	1	—	60
2006–07	12	18	12	8	5	3	1	—	59
2007–08	15	27	17	3	1	3	3	1	70
2008–09	20	18	20	7	1	1	1	—	68
2009–10	13	18	10	12	2	2	2	2	61
2010–11 <sup>(a)</sup>	14	23	1	4	2	—	1	—	45
2011–12	13	28	7	3	0	2	1	1	55

(a) Interim adoption orders made by the Children Court in Queensland are not captured in this data set. Under the Adoption Act 2009 that began in February 2010, a final adoption order is normally made at the successful completion of a supervised interim order that is completed over a 12-month period. This requirement has affected final adoption orders made in Queensland in 2010–11.

Note: Changes to the categories of adoption introduced in 1998–99 limits the amount of trend data available for 'local' adoptions (see Section 2.1).

Source: AIHW Adoptions Australia data collection.

**Table A6: Number of known child adoptions, by state and territory, 1998–99 to 2011–12**

Year	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Australia
1998–99	78	13	36	38	2	2	2	1	172
1999–00	68	12	21	43	—	4	11	—	159
2000–01	53	10	13	48	4	5	7	—	140
2001–02	82	14	6	37	5	2	11	3	160
2002–03	39	3	15	46	1	3	9	—	116
2003–04	25	11	2	12	1	3	5	—	59
2004–05	42	13	6	16	1	3	5	—	86
2005–06	33	10	13	17	3	7	9	3	95
2006–07	40	14	16	17	1	12	3	1	104
2007–08	37	5	22	21	3	5	6	1	100
2008–09	42	5	23	22	—	5	6	1	104
2009–10	66	9	20	20	3	1	8	2	129
2010–11	81	7	4	25	2	2	3	—	124
2011–12	91	8	6	18	1	—	4	1	129

Note: Changes to the categories of adoption introduced in 1998–99 limits the amount of trend data available for known child adoptions (see Section 2.1).

Source: AIHW Adoptions Australia data collection.

**Table A7: Adoptions of Australian children, by relationship to adoptive parent(s), 1987–88 to 2011–12**

Year	Adopted by relatives		Adopted by non-relatives		Total <sup>(a)</sup>	
	Number	Per cent	Number	Per cent	Number	Per cent
1987–88	605	51.1	578	48.9	1,183	100.0
1988–89	500	45.2	606	54.8	1,106	100.0
1989–90	327	37.4	547	62.6	874	100.0
1990–91	277	37.0	472	63.0	749	100.0
1991–92	295	41.4	418	58.6	713	100.0
1992–93	250	45.0	306	55.0	556	100.0
1993–94	228	42.1	314	57.9	542	100.0
1994–95	320	50.7	311	49.3	631	100.0
1995–96	177	44.9	217	55.1	394	100.0
1996–97	177	40.2	263	59.8	440	100.0
1997–98	154	46.4	178	53.6	332	100.0
1998–99	124	41.5	175	58.5	299	100.0
1999–00	116	43.8	149	56.2	265	100.0
2000–01	102	45.3	114	50.7	225	100.0
2001–02	108	40.4	159	59.6	267	100.0
2002–03	74	38.1	107	55.2	194	100.0
2003–04	34	25.8	98	74.2	132	100.0
2004–05	57	37.7	94	62.3	151	100.0
2005–06	74	47.7	81	52.3	155	100.0
2006–07	82	50.3	81	49.7	163	100.0
2007–08	74	43.5	96	56.5	170	100.0
2008–09	69	40.1	103	59.9	172	100.0
2009–10	76	40.0	114	60.0	190	100.0
2010–11	75	44.4	94	55.6	169	100.0
2011–12	59	32.1	125	67.9	184	100.0

(a) For 2000–01 and 2002–03, the total includes adoptions involving children with an unknown relationship to the adoptive parent(s). Therefore, numbers and percentages for subcategories may not add to those for the total.

*Notes*

1. The total number of adoptions of Australian children in 2011–12 (184) includes the sum of local adoptions (55) and known adoptions (129).
2. 'Relatives' includes step-parents, other relatives such as grandparents, aunts and uncles and commissioning (surrogate) parents. 'Non-relatives' includes foster carers and other non-relatives.
3. New South Wales was unable to provide data on adoptions by step-parents from 1987–88 to 1993–94.

*Sources:* AIHW Adoptions Australia data collection.



**Table A8: Intercountry adoptions, by child's region of origin, 1990-91 to 2011-12**

	Asia		South/Central America		Africa		Other		Total	
	Number	Per cent	Number	Per cent	Number	Per cent	Number	Per cent	Number	Per cent
1990-91	344	87.5	32	8.1	2	0.5	15	3.8	393	100.0
1991-92	269	79.6	41	12.1	3	0.9	25	7.4	338	100.0
1992-93	158	69.6	58	25.6	1	0.4	10	4.4	227	100.0
1993-94	171	77.0	38	17.1	3	1.4	10	4.5	222	100.0
1994-95	171	76.3	35	15.6	2	0.9	16	7.1	224	100.0
1995-96	191	69.7	62	22.6	6	2.2	15	5.5	274	100.0
1996-97	197	73.2	38	14.1	16	5.9	18	6.7	269	100.0
1997-98	154	62.9	29	11.8	37	15.1	25	10.2	245	100.0
1998-99	157	64.3	20	8.2	34	13.9	33	13.5	244	100.0
1999-00	186	61.8	24	8.0	46	15.3	45	15.0	301	100.0
2000-01	197	68.2	27	9.3	37	12.8	28	9.7	289	100.0
2001-02	231	78.6	18	6.1	37	12.6	8	2.7	294	100.0
2002-03	224	80.6	12	4.3	40	14.4	2	0.7	278	100.0
2003-04	316	85.4	7	1.9	45	12.2	2	0.5	370	100.0
2004-05	363	83.6	5	1.2	59	13.6	7	1.6	434	100.0
2005-06	339	80.5	11	2.6	70	16.6	1	0.2	421	100.0
2006-07	343	84.7	8	2.0	47	11.6	7	1.7	405	100.0
2007-08	229	84.8	5	1.9	36	13.3	—	—	270	100.0
2008-09	219	81.4	9	3.3	38	14.1	3	1.1	269	100.0
2009-10	181	81.5	5	2.3	33	14.9	3	1.3	222	100.0
2010-11	171	79.5	1	0.5	40	18.6	3	1.4	215	100.0
2011-12	128	85.9	3	2.0	18	12.1	—	—	149	100.0

Note: 'Other' includes Europe, North America and Oceania.

Source: AIHW Adoptions Australia data collection.

**Table A9: Number of intercountry adoptions, by state and territory, 1998–99 to 2011–12**

<b>Year</b>	<b>NSW</b>	<b>Vic</b>	<b>Qld</b>	<b>WA</b>	<b>SA</b>	<b>Tas</b>	<b>ACT</b>	<b>NT</b>	<b>Australia</b>
1998–99	57	59	36	20	45	12	11	4	<b>244</b>
1999–00	55	76	60	26	56	13	11	4	<b>301</b>
2000–01	85	60	40	20	44	14	18	8	<b>289</b>
2001–02	71	74	33	29	54	16	9	8	<b>294</b>
2002–03	61	59	29	24	68	15	15	7	<b>278</b>
2003–04	66	86	49	44	72	22	26	5	<b>370</b>
2004–05	88	132	65	29	74	18	12	16	<b>434</b>
2005–06	93	104	61	36	69	26	20	12	<b>421</b>
2006–07	112	95	63	40	56	11	18	10	<b>405</b>
2007–08	73	66	47	17	32	23	5	7	<b>270</b>
2008–09	93	48	49	14	34	17	6	8	<b>269</b>
2009–10	78	54	38	18	21	6	6	1	<b>222</b>
2010–11	70	56	35	8	26	12	7	1	<b>215</b>
2011–12	46	36	20	5	23	4	6	9	<b>149</b>

*Notes*

1. Data for years before 1998–99 are included in previous editions of this publication.
2. Before 1998–99, 'intercountry adoptions' were referred to as 'adoptions of overseas-born children by non-relatives'.

*Source:* AIHW Adoptions Australia data collection.

**Table A10: Intercountry adoptions, by country of origin, 2002–03 to 2011–12**

Country of birth	2002–03	2003–04	2004–05	2005–06	2006–07	2007–08	2008–09	2009–10	2010–11	2011–12	Total
<b>Number</b>											
China <sup>(a)</sup>	46	112	140	116	125	63	63	32	51	24	772
Ethiopia	39	45	59	70	47	35	38	33	40	18	424
India	33	29	31	34	25	27	12	22	19	8	240
Philippines	18	29	48	42	45	41	45	49	37	29	383
South Korea	101	98	96	103	80	47	45	30	19	26	645
Taiwan	3	3	10	10	26	22	32	26	26	22	180
Thailand	17	39	31	27	28	19	19	16	13	16	225
Other <sup>(b)</sup>	21	15	19	19	29	16	15	14	10	6	164
<b>Total</b>	<b>278</b>	<b>370</b>	<b>434</b>	<b>421</b>	<b>405</b>	<b>270</b>	<b>269</b>	<b>222</b>	<b>215</b>	<b>149</b>	<b>3033</b>
<b>Per cent</b>											
China <sup>(a)</sup>	16.5	30.3	32.3	27.6	30.9	23.3	23.4	14.4	23.7	16.1	25.5
Ethiopia	14.0	12.2	13.6	16.6	11.6	13.0	14.1	14.9	18.6	12.1	14.0
India	11.9	7.8	7.1	8.1	6.2	10.0	4.5	9.9	8.8	5.4	7.9
Philippines	6.5	7.8	11.1	10.0	11.1	15.2	16.7	22.1	17.2	19.5	12.6
South Korea	36.3	26.5	22.1	24.5	19.8	17.4	16.7	13.5	8.8	17.4	21.3
Taiwan	1.1	0.8	2.3	2.4	6.4	8.1	11.9	11.7	12.1	14.8	5.9
Thailand	6.1	10.5	7.1	6.4	6.9	7.0	7.1	7.2	6.0	10.7	7.4
Other <sup>(b)</sup>	7.6	4.1	4.4	4.5	7.2	5.9	5.6	6.3	4.7	4.0	5.4
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>

(a) Excludes Special Administrative Regions and Taiwan Province.

(b) 'Other' includes: Azerbaijan, Bolivia, Bulgaria, Burkina Faso, Burundi, Colombia, Fiji, Guatemala, Hong Kong, Italy, Lithuania, Nicaragua, Peru, Poland, Romania, Sri Lanka, Turkey and the United Kingdom.

Note: Percentages may not add to 100 because of rounding.

Source: AIHW Adoptions Australia data collection.

**Table A11: Number of intercountry adoptions, by age group and sex, 1998–99 to 2011–12**

Year	<1		1–4		5–9		10–14		15+		Total		
	M	F	M	F	M	F	M	F	M	F	M	F	P
1998–99	28	24	71	71	16	23	7	3	—	—	122	121	243
1999–00	60	51	65	60	24	34	2	3	1	1	152	149	301
2000–01	48	34	80	77	18	26	3	2	—	1	149	140	289
2001–02	46	43	74	76	21	25	5	3	—	1	146	148	294
2002–03	34	43	71	92	13	16	—	9	—	—	118	160	278
2003–04	85	67	56	138	10	14	—	—	—	—	151	219	370
2004–05	85	74	78	158	15	23	1	—	—	—	179	255	434
2005–06	106	93	62	116	14	26	—	4	—	—	182	239	421
2006–07	81	87	68	136	10	20	2	1	—	—	161	244	405
2007–08	52	61	59	76	6	13	1	2	—	—	118	152	270
2008–09	48	52	66	71	12	17	—	1	2	—	128	141	269
2009–10	42	28	66	55	16	14	1	—	—	—	125	97	222
2010–11	34	29	61	63	10	14	1	3	—	—	106	109	215
2011–12	17	17	46	38	13	11	1	5	—	1	77	72	149

M = males, F = females, P = persons

Source: AIHW Adoptions Australia data collection.

**Table A12: Intercountry adoptions, by type of adoption, age group and sex of child, 2011–12**

Age group (years)	Hague adoption			Non-Hague adoption			Total
	Males	Females	Persons	Males	Females	Persons	
	<b>Number</b>						
Under 1	2	6	8	15	11	26	34
1–4	27	30	57	19	8	27	84
5–9	8	4	12	5	7	12	24
10–14	1	4	5	—	1	1	6
15–17	—	—	—	—	1	1	1
18+	—	—	—	—	—	—	—
<b>Total</b>	<b>38</b>	<b>44</b>	<b>82</b>	<b>39</b>	<b>28</b>	<b>67</b>	<b>149</b>
	<b>Per cent</b>						
Under 1	5.3	13.6	9.8	38.5	39.3	38.8	22.8
1–4	71.1	68.2	69.5	48.7	28.6	40.3	56.4
5–9	21.1	9.1	14.6	12.8	25.0	17.9	16.1
10–14	2.6	9.1	6.1	—	3.6	1.5	4.0
15–17	—	—	—	—	3.6	1.5	0.7
18+	—	—	—	—	—	—	—
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>

Note: Percentages may not add to 100 because of rounding.

Source: AIHW Adoptions Australia data collection.

**Table A13: Local and intercountry adoptions, by sibling groups, 2011–12**

Type of adoption	Number of sibling groups	Children adopted in sibling groups	
		Number	Proportion of adoption type (%)
Local adoption	1	2	3.6
Intercountry adoptions			
Hague adoption	4	9	11.0
Non-Hague adoption	4	9	13.4
<i>Total intercountry adoptions</i>	8	18	12.1
<b>Total local and intercountry adoptions</b>	<b>9</b>	<b>20</b>	<b>9.8</b>

Source: AIHW Adoptions Australia data collection.

**Table A14: Number of intercountry adoptions from Hague countries, by type of order under which the child entered Australia, 2011–12**

Country of origin	Full adoption order in country of origin	Guardianship order	Total
China <sup>(a)</sup>	24	—	24
India	1	7	8
Philippines	—	29	29
Thailand	—	16	16
Other <sup>(b)</sup>	3	2	5
<b>Total Hague intercountry adoptions</b>	<b>28</b>	<b>54</b>	<b>82</b>
<b>Proportion of total (%)</b>	<b>34.1</b>	<b>65.9</b>	<b>100.0</b>

(a) Excludes Special Administrative Regions and Taiwan Province.

(b) 'Other' includes adoptions from Bolivia, Colombia and Hong Kong.

Source: AIHW Adoptions Australia data collection.

**Table A15: Number of local and intercountry adoptions, by age group of the adoptive parent(s), 2011–12**

	Age group (years)								Total <sup>(a)</sup>
	Under 25	25–29	30–34	35–39	40–44	45–49	50–54	55+	
<b>Adoptive mother</b>									
Local adoptions	—	8	11	16	16	3	—	1	55
Intercountry adoptions									
Hague adoption	—	1	6	10	25	28	9	1	80
Non-Hague adoption	—	—	7	23	21	13	3	—	67
<i>Total intercountry</i>	—	1	13	33	46	41	12	1	147
<b>Total local and intercountry adoptions</b>	<b>—</b>	<b>9</b>	<b>24</b>	<b>49</b>	<b>62</b>	<b>44</b>	<b>12</b>	<b>2</b>	<b>202</b>
<b>Adoptive father</b>									
Local adoptions	—	—	10	18	12	9	—	—	52
Intercountry adoptions									
Hague adoption	—	—	6	12	20	20	16	3	77
Non-Hague adoption	—	—	4	15	24	12	2	—	62
<i>Total intercountry</i>	—	—	10	27	44	32	18	3	139
<b>Total local and intercountry adoptions</b>	<b>—</b>	<b>—</b>	<b>20</b>	<b>45</b>	<b>56</b>	<b>41</b>	<b>18</b>	<b>3</b>	<b>191</b>
<b>Adoptive parents</b>									
Local adoptions	—	8	21	34	28	12	—	1	107
Intercountry adoptions									
Hague adoption	—	1	12	22	45	48	25	4	157
Non-Hague adoption	—	—	11	38	45	25	5	—	129
<i>Total intercountry</i>	—	1	23	60	90	73	30	4	286
<b>Total local and intercountry adoptions</b>	<b>—</b>	<b>9</b>	<b>44</b>	<b>94</b>	<b>118</b>	<b>85</b>	<b>30</b>	<b>5</b>	<b>393</b>

(a) Total includes eight fathers of unknown age (three for local adoptions and five for intercountry adoptions).

Note: In 2011–12, there were a total of 204 local and intercountry adoptions (55 local and 149 intercountry). The total for mothers and fathers does not add to the total number of local and intercountry adoptions because 15 adoptive parents were single.

Source: AIHW Adoptions Australia data collection.

**Table A16: Number of adoption visas (subclass 102) issued during 2011–12**

Country of birth	Adoptions arranged by Australian state/ territory authority	Adoptions arranged by overseas agency/authority	Total
Taiwan	34	1	35
China <sup>(a)</sup>	25	2	27
Ethiopia	15	11	26
Philippines	21	1	22
Thailand	15	3	18
Hong Kong <sup>(b)</sup>	1	13	14
United Kingdom <sup>(c)</sup>	—	14	14
Singapore	—	13	13
Cambodia	—	9	9
India	3	6	9
United States of America	—	9	9
Papua New Guinea	—	6	6
Indonesia	—	4	4
Vanuatu	—	4	4
Israel	—	3	3
Nauru	—	3	3
South Korea	—	3	3
Colombia	2	—	2
Kenya	—	2	2
Nigeria	—	2	2
Samoa	—	2	2
Stateless	2	—	2
Tonga	—	2	2
Turkey	—	2	2
Uganda	—	2	2
Zambia	—	2	2
Zimbabwe	—	2	2
Armenia	—	1	1
Bolivia	1	—	1
Brazil	—	1	1
Congo	—	1	1
El Salvador	—	1	1
France	—	1	1
Ghana	—	1	1
Laos	—	1	1
Malaysia	—	1	1
Mauritius	—	1	1
Mexico	—	1	1
South Africa	—	1	1
Timor-Leste	—	1	1
Ukraine	—	1	1
United Arab Emirates	—	1	1
<b>Total</b>	<b>119</b>	<b>135</b>	<b>254</b>

(a) Excludes Special Administrative Regions and Taiwan Province.

(b) Special Administrative Region of China.

(c) Includes England, Northern Ireland, Isle of Man, Scotland and Wales.

*Note:* This table relates to visas (subclass 102) that were issued during the financial year 2011–12. Not all children who enter Australia will have their adoption finalised in the same year that their visa was issued, hence the total number of adoption visas issued will not match the number of finalised intercountry adoptions (149). Only the persons recorded by the DIAC are included in this table.

*Source:* Australian Government Department of Immigration and Citizenship, unpublished data.

**Table A17: Local adoptions, by median age of birth mother, 1998-99 to 2011-12**

Year	Median age of birth mother
1998-99	24.0
1999-00	23.0
2000-01	24.0
2001-02	24.0
2002-03	21.0
2003-04	23.0
2004-05	23.0
2005-06	26.5
2006-07	24.0
2007-08	24.0
2008-09	22.0
2009-10	21.5
2010-11	21.0
2011-12	22.0

Source: AIHW Adoptions Australia data collection.

**Table A18: Local adoptions, by marital status and age group of birth mother, 2011-12**

Age group (years)	Married		Unmarried <sup>(a)</sup>		Total	
	Number	Per cent	Number	Per cent	Number	Per cent
Under 20	—	—	14	29.8	14	25.5
20-24	1	12.5	19	40.4	20	36.4
25-29	1	12.5	8	17.0	9	16.4
30-34	3	37.5	2	4.3	5	9.1
35-39	3	37.5	2	4.3	5	9.1
40+	—	—	2	4.3	2	3.6
<b>Total</b>	<b>8</b>	<b>100.0</b>	<b>47</b>	<b>100.0</b>	<b>55</b>	<b>100.0</b>

(a) Includes de facto marriage relationships. Refer to the Glossary for category descriptions.

Note: Percentages may not add to 100 because of rounding.

Source: AIHW Adoptions Australia data collection.



**Table A19: Local adoptions, by marital status of birth mother, 1998–99 to 2011–12**

Year	Married <sup>(a)</sup>		Unmarried <sup>(a)</sup>		Unknown	Total
	Number	Per cent	Number	Per cent	Number	
1998–99	14	12.0	103	88.0	10	127
1999–00	10	12.5	70	87.5	26	106
2000–01	14	19.4	58	80.6	16	88
2001–02	7	7.4	87	92.6	13	107
2002–03	5	6.7	70	93.3	3	78
2003–04	6	8.5	65	91.5	2	73
2004–05	6	9.2	59	90.8	—	65
2005–06	7	11.9	52	88.1	1	60
2006–07	8	13.8	50	86.2	1	59
2007–08	22 <sup>(b)</sup>	31.4	48	68.6	—	70
2008–09	4	6.0	63	94.0	1	68
2009–10	5 <sup>(b)</sup>	8.9	56	91.8	—	61
2010–11	5 <sup>(b)</sup>	11.1	40	88.9	—	45
2011–12	8 <sup>(b)</sup>	14.5	47	85.5	—	55

(a) 'Married' includes couples in a registered marriage. 'Unmarried' includes couples in a de facto marriage and lone mothers. Refer to the Glossary for category descriptions.

(b) Includes adoptions where the birth mother was married to someone other than the child's birth father, at the time of birth.

*Notes*

1. Percentages exclude 'unknown'.
2. Changes to the categories of adoption introduced in 1998–99 limits the amount of trend data available for 'local' adoptions (see Section 2.1).

*Source:* AIHW Adoptions Australia data collection.

**Table A20: Proportion of local adoptions, by type of agreement, 1998–99 to 2011–12 (per cent)**

<b>Year</b>	<b>No contact or information exchange</b>	<b>Some contact and/or information exchange</b>
1998–99	9.7	90.3
1999–00	8.1	91.9
2000–01	6.9	93.1
2001–02	6.3	93.7
2002–03	16.2	83.8
2003–04	6.8	93.2
2004–05	8.1	91.9
2005–06	5.0	95.0
2006–07	11.9	88.1
2007–08	22.9	77.1
2008–09	33.9	66.1
2009–10	8.3	91.7
2010–11	15.6	84.4
2011–12	5.5	94.5

Source: AIHW Adoptions Australia data collection.

**Table A21: Local adoptions, by type of arranging body, 2011–12**

<b>Arranging body</b>	<b>Number</b>	<b>Per cent</b>
Government department	25	45.5
Non-government agency	30	54.5
<b>Total</b>	<b>55</b>	<b>100.0</b>

Source: AIHW Adoptions Australia data collection.

**Table A22: Known child adoptions, by relationship to adoptive parent(s), 1998–99 to 2011–12**

Year	Step-parent	Relative <sup>(a)</sup>	Carer	Other	Total
<b>Number</b>					
1998–99	116	8	48	..	172
1999–00	114	2	43	..	159
2000–01	98	1	29	..	140 <sup>(b)</sup>
2001–02	103	5	52	..	160
2002–03	72	2	29	..	103 <sup>(c)</sup>
2003–04	31	3	25	..	59
2004–05	52	5	29	..	86
2005–06	69	5	21	..	95
2006–07	79	3	22	..	104
2007–08	67	4	26	3	100
2008–09	66	—	35	3	104
2009–10	74	—	53	2	129
2010–11	73	1	49	1	124
2011–12	52	2	70	5	129
<b>Per cent<sup>(d)</sup></b>					
1998–99	67.4	4.7	27.9	..	100.0
1999–00	71.7	1.3	27.0	..	100.0
2000–01	76.6	0.8	22.7	..	100.0
2001–02	64.4	3.1	32.5	..	100.0
2002–03	69.9	1.9	28.2	..	100.0
2003–04	52.5	5.1	42.4	..	100.0
2004–05	60.5	5.8	33.7	..	100.0
2005–06	72.6	5.3	22.1	..	100.0
2006–07	76.0	2.9	21.2	..	100.0
2007–08	67.0	4.0	26.0	3.0	100.0
2008–09	63.5	—	33.7	2.9	100.0
2009–10	57.4	—	41.1	1.6	100.0
2010–11	58.9	0.8	39.5	0.8	100.0
2011–12	40.3	1.6	54.3	3.9	100.0

(a) Includes relatives other than step-parents.

(b) Total includes 12 children where relationship with adoptive parent(s) was unknown.

(c) Total includes 13 children where relationship with adoptive parent(s) was unknown.

(d) Percentages exclude children where relationship with adoptive parent(s) was unknown.

*Notes*

- Changes to the categories of adoption introduced in 1998–99 limits the amount of trend data available for known child adoptions (see Section 2.1).
- The 'Other' category was added in 2007–08. Before this, children adopted by commissioning (surrogate) parents were included in the 'Relative' category.
- Refer to the Glossary for definitions of the adoption categories.
- Percentages may not add to 100 due to rounding.

Source: AIHW Adoptions Australia data collection.

**Table A23: Known child adoptions, by relationship to adoptive parents age group and sex of child, 2011-12**

Age (years)	Step-parent			Relative <sup>(a)</sup>			Carer			Other			Total		
	M	F	P	M	F	P	M	F	P	M	F	P	M	F	P
<b>Number</b>															
Under 1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
1-4	—	—	—	—	1	1	10	9	19	—	1	1	10	11	21
5-9	4	6	10	—	—	—	17	12	29	—	1	1	21	19	40
<i>Under 10</i>	4	6	10	—	1	1	27	21	48	—	2	2	31	30	61
10-14	10	12	22	—	—	—	7	7	14	—	1	1	17	20	37
15-17	2	6	8	—	—	—	3	2	5	—	—	—	5	8	13
18+	4	8	12	—	1	1	2	1	3	1	1	2	7	11	18
<i>10-18+</i>	16	26	42	—	1	1	12	10	22	1	2	3	29	39	68
<b>Total</b>	<b>20</b>	<b>32</b>	<b>52</b>	<b>—</b>	<b>2</b>	<b>2</b>	<b>39</b>	<b>31</b>	<b>70</b>	<b>1</b>	<b>4</b>	<b>5</b>	<b>60</b>	<b>69</b>	<b>129</b>
<b>Per cent</b>															
Under 1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
1-4	—	—	—	—	50.0	50.0	25.6	29.0	27.1	—	25.0	20.0	16.7	15.9	16.3
5-9	20.0	18.8	19.2	—	—	—	43.6	38.7	41.4	—	25.0	20.0	35.0	27.5	31.0
<i>Under 10</i>	20.0	18.8	19.2	—	50.0	50.0	69.2	67.7	68.6	—	50.0	40.0	51.7	43.5	47.3
10-14	50.0	37.5	42.3	—	—	—	17.9	22.6	20.0	—	25.0	20.0	28.3	29.0	28.7
15-17	10.0	18.8	15.4	—	—	—	7.7	6.5	7.1	—	—	—	8.3	11.6	10.1
18+	20.0	25.0	23.1	—	50.0	50.0	5.1	3.2	4.3	100.0	25.0	40.0	11.7	15.9	14.0
<i>10-18+</i>	80.0	81.3	80.8	—	50.0	50.0	30.8	32.3	31.4	100.0	50.0	60.0	48.3	56.5	52.7
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>—</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>

M = males, F = females, P = persons

(a) Includes relatives other than step-parents.

*Notes*

1. Percentages may not add to 100 because of rounding.
2. Refer to the Glossary for definitions of the adoption categories.

Source: AIHW Adoptions Australia data collection.

**Table A24: Number of information applications and vetoes lodged, 1992–93 to 2011–12**

<b>Year</b>	<b>Applications for access to information lodged</b>	<b>Contact and information vetoes lodged</b>
1992–93	6,167	286
1993–94	6,135	359
1994–95	6,252	584
1995–96	5,567	426
1996–97	4,455	259
1997–98	4,324	174
1998–99	5,430	174
1999–00	5,008	146
2000–01	4,304	113
2001–02	4,159	88
2002–03	3,744	137
2003–04	3,407	63
2004–05	3,414	56
2005–06	3,038	58
2006–07	2,851	80
2007–08	2,832	140
2008–09	3,607	52
2009–10	2,893	74
2010–11	2,951	108
2011–12	2,619	128

*Note:* Contact vetoes lodged do not necessarily relate directly to the information applications lodged—contact vetoes may have been lodged in relation to adoptions for which information may never be requested.

*Source:* AIHW Adoptions Australia data collection.

# Appendix B Legislation

## B.1 Summary of legislation

### Commonwealth

Intercountry adoption in Australia at the Commonwealth level is governed by the following legislation:

*Family Law Act 1975*

*Family Law (Hague Convention on Intercountry Adoption) Regulations 1998*

*Family Law (Bilateral Arrangements – Intercountry Adoption) Regulations 1998*

The following legislation relating to immigration matters also governs aspects of intercountry adoption:

*Immigration (Guardianship of Children) Act 1946*

*Migration Act 1958*

*Migration Regulations 1994*

*Australian Citizenship Act 2007*

### New South Wales

*Adoption Act 2000*

*Adoption Regulation 2003*

*Adoption Amendment Regulation 2009*

*Adoption Amendment (Access to Information) Regulation 2009*

### Level of court

Supreme Court of New South Wales.

### Step-parent adoptions

Step-parents apply directly to the New South Wales Supreme Court to adopt a step-child in their care. The child must be 5 years old and have had a relationship with the step-parent for at least 2 years immediately before the application. The step-parent must provide an assessment in their application to the court to assist in its decision-making. This report must be done by an adoption assessor approved by Community Services, New South Wales Department of Family and Community Services.

### Relative adoptions

There is provision for adoptions by relatives. The child must have an established relationship for at least 2 years with the applicant(s). These adoptions are made only in exceptional circumstances – that is, where a parental responsibility order or other order made through the Family Court would not adequately provide for the interests and welfare of the child.

## **Authorised carer adoptions**

Children may be adopted by their authorised carers if the parents and anyone holding parental responsibility for the child consents, if the Supreme Court dispenses with the parents' consent, or if the child gives sole consent (the child is aged 12 or more, has sufficient maturity to understand the effect of giving consent and has been cared for by the prospective adoptive parents for at least 2 years), and if adoption is seen to be in the child's best interests and, all alternatives having been considered, adoption is preferable to any other order.

## **Local and intercountry adoptions**

Eligibility requirements:

- Applicants for adoption must live in New South Wales, be aged over 21 and may be a single person or a couple who have been living together continuously for 2 years. Gazetted selection criteria apply and are available on the Community Services, New South Wales Department of Family and Community Services' website at [www.community.nsw.gov.au/html/adoption/adoption.htm](http://www.community.nsw.gov.au/html/adoption/adoption.htm).
- The main consideration for any adoption order being made is that it is in the best interests of the child concerned, in both childhood and later life.
- Arrangements must be made by Community Services, New South Wales Department of Family and Community Services or an accredited adoption service provider (CatholicCare, Anglicare Adoption Services or Barnardos Australia).

## **Official client**

An applicant becomes an 'official client' of Adoption and Permanent Care Services when a formal application has been lodged (after lodging an Expression of Interest and attending the relevant training seminar).

## **Adoption of Indigenous children**

Aboriginal and Torres Strait Islander children must be placed in accordance with the Aboriginal and Torres Strait Islander Child Placement Principles outlined in the Act.

## **Adoption of adults**

A person aged 18 or older who was cared for by the prospective adoptive applicant or authorised carer as their child, before reaching the age of 18, and who is in a 'fit condition' to give consent, may give sole consent to their own adoption. The Supreme Court must not make a consent dispensation order dispensing with the requirement for consent of a person who is 18 or older in any circumstances.

An adoption application is lodged directly with the Supreme Court with little or no involvement from Adoption and Permanent Care Services other than the provision of a report to the Court at the Court's request.

## **Victoria**

*Adoption Act 1984*

*Adoption Regulations 2008*

## **Level of court**

Supreme Court and County Court.

## **Step-parent and other-relative adoptions**

In all cases of placement with relatives, attempts are made to place the child on an order made through the Family Court. An adoption order in favour of a relative or step-parent is made only if exceptional circumstances exist and if an order from the Family Court will not make adequate provision for the welfare and interests of the child.

A solicitor may prepare an application for formal adoption by a step-parent or other relative. The application must be notified to the Victorian Department of Human Services (DHS) or an approved non-government adoption agency for the preparation of an assessment report on the prospective adoptive parents. The report is submitted with the application to the County or Supreme Court.

Adoptions are arranged by the DHS or an approved non-government agency (listed in the section below).

## **Local and intercountry adoptions**

Eligibility requirements allow the applicant(s) to be:

- a married/de facto couple for more than 2 years
- a single person, if special circumstances exist in relation to the child.

Intercountry adoptions are arranged only via the DHS. However, local adoptions may be arranged by the DHS or approved non-government organisations, which are Connections, Anglicare Western, Anglicare Gippsland, CatholicCare, St Lukes Anglicare, and Child and Family Services Ballarat.

## **Official client**

An applicant becomes an official client for the purposes of intercountry adoption when they make an application.

## **Adoption of Indigenous children**

The Adoption Act recognises the principles of Aboriginal self-management and self-determination, and that adoption is not available in Aboriginal child care arrangements. Restrictive eligibility criteria are in place for the selection of adoptive parents for Indigenous children. The birth parent(s) of an Indigenous child can place the condition on adoption that the child go to Indigenous adoptive parents, or that a right of access be granted to the natural parents, other relatives and members of the Aboriginal community.

## **Adoption of adults**

The Victorian *Adoption Act 1984* section 10 allows the court to grant an adoption order for the adoption of an adult who has been brought up, maintained and educated by the applicants acting as the parents of the person. The adoption proceeds without the involvement of the DHS or approved adoption agency and does not require the consent to the person's birth parents.



## **Queensland**

*Adoption Act 2009*

*Adoption Regulation 2009*

The Act and its regulations began on 1 February 2010.

### **Level of court**

Children's Court of Queensland.

### **Step-parent adoptions**

Adoption by step-parents can be arranged only through the Queensland Department of Communities, Child Safety and Disability Services (DCCSDS).

### **Other-relative adoptions**

If adoption by a relative is the best option for securing a child's long-term care, the DCCSDS can ask a relative to consider being assessed as a prospective adoptive parent for the child. However, the relative cannot initiate the process.

### **Local and intercountry adoptions**

Eligibility requirements:

Couples are eligible to express interest in local or intercountry adoption, if:

- they are a man and a woman who have been living together as spouses (either married or de facto) continuously for at least 2 years, and are living together
- they are both adults who are living in Queensland
- at least one of them is an Australian citizen
- the female partner is not pregnant
- neither partner is undergoing fertility treatment and have not undergone fertility treatment within the previous 6 months
- they are not an intended parent under a surrogacy arrangement within the meaning of the Surrogacy Act 2010 (Queensland)
- if they have been an intended parent for a surrogacy arrangement within the meaning of the Surrogacy Act 2010 (Queensland) – the surrogacy arrangement ended not less than 6 months earlier
- the couple does not have custody\* of a child under 12 months of age or a child who has been in their custody for less than 12 months (\*does not include children of whom the person is an approved carer).

The DCCSDS is the only agency legally authorised to arrange adoptions in Queensland.

### **Official client**

For the purpose of intercountry adoptions, a person is considered an 'official client' when they are eligible to have his or her name entered in the expression of interest register.

## **Adoption of Indigenous children**

The *Adoption Act 2009* respects Aboriginal tradition and Torres Strait Island custom by not promoting adoption as an appropriate option for the long-term care of an Aboriginal or a Torres Strait Islander child.

The Act includes safeguards to ensure, where parents and guardians of an Aboriginal or a Torres Strait Islander child do explore adoption for a child's care, the child's culture is respected and the adoption only proceeds if there is no better option available for the child's long-term stable care.

In addition to the counselling and information the DCCSDS is required to provide to all parents, the DCCSDS must provide the parents of Aboriginal or Torres Strait Islander children with the option of receiving counselling and information about a number of specific issues from an appropriate Aboriginal or Torres Strait Islander person.

The Act includes the Aboriginal and Torres Strait Islander Child Placement Principle, which requires the DCCSDS to give proper consideration to placing the child (in order of priority) with:

- a member of the child's community or language group
- another Aboriginal person or Torres Strait Islander who is compatible with the child community or language group
- another Aboriginal person or Torres Strait Islander.

The DCCSDS must consult an appropriate Aboriginal or Torres Strait Islander person in selecting a couple to be considered as the child's prospective adoptive parents.

An adoption plan between the parties to the adoption is mandatory if an Aboriginal or Torres Strait Islander child is to be adopted by a couple from outside his or her community. The plan must include agreement on how the child might be assisted to develop a cultural identity, including establishing links with the child's cultural heritage generally and with members of the child's community or language group.

Before making any decisions about the adoption of an Aboriginal or Torres Strait Islander child, the Children's Court is required to consider the views of an appropriate Aboriginal or Torres Strait Islander person about the child's interests, and any traditions or customs relating to the child.

## **Adoption of adults**

The *Adoption Act 2009* does not make provision for an adult to be adopted. An adoption order can be made only in relation to a child under 18.

## **Western Australia**

*Adoption Act 1994*

*Adoption Regulations 1995*

### **Level of court**

Family Court of Western Australia.

## **Step-parent adoptions**

Amendments effective from June 2003 require people considering step-parent adoption to obtain a determination from the Family Court of Western Australia that a step-parent order would be preferable to a consent (parenting) order.

The consent of the non-custodial birth parent, or an order from the Family Court of Western Australia to dispense with such consent, is required. An adoption plan needs to be negotiated between the non-custodial birth parent and the adoptive parent, or dispensed with by the court, before the adoption can be finalised.

Step-parents wishing to adopt their step-child must give 60 days' notice to the Department for Child Protection of their intention to apply for an order of adoption. For the purpose of the adoption process it may be necessary to engage the services of a solicitor, as well as to make the application to the Family Court of Western Australia for an adoption order.

The department is required to provide a report to the court.

## **Other-relative adoptions**

Adoption by relatives is not permitted under the *Adoption Act 1994*.

Amendments to the adoption legislation to permit relative adoption in Western Australia in certain circumstances will shortly come into operation.

## **Carer adoptions**

Carer adoptions can occur when it is considered that the best interests of the child are served by the child being adopted by eligible and approved carers. The carers must have had the full-time care of the child for at least 3 consecutive years (to be reduced to 2 years by the amendments). The Department for Child Protection must have arranged or approved the placement of the child with the carer and must be satisfied that the child will not return to live with the birth family or extended family. It is required that the birth parents give their consent to the adoption or that there is an order from the Family Court of Western Australia dispensing with consent. Unless dispensed with by the Family Court, an adoption plan is a legal requirement.

## **Local and intercountry adoptions**

All adoptions are arranged through the Department for Child Protection.

Applicants must meet specific eligibility criteria before being considered for assessment.

The child's first given name is expected to be retained by the adoptive parents as the first name.

For local adoptions, all known birth parents must be asked to give consent. Birth parents are involved in the selection process of adoptive parents by choosing a family from non-identifying profiles.

An adoption plan is required to be made between birth parents and adopting parents, or an application to the Family Court made to dispense with the adoption plan, before the adoption order is granted in the Family Court of Western Australia.

## **Official client**

Applicants become 'official clients' after lodgment and acceptance of the Expression of Interest Form. This form is submitted after the applicants have participated in the relevant adoption information seminars.

## **Adoption of Indigenous children**

The *Adoption Act 1994* includes the Aboriginal and Torres Strait Islander children – placement for adoption principle, the appointment of an approved Aboriginal and Torres Strait Islander agency for consultation (to be removed when amendments come into effect) and the requirement to consult relevant Aboriginal and Torres Strait Islander staff about the placement or the potential adoption of an Aboriginal or Torres Strait Islander child. Preference is given to the placement of Indigenous children with Indigenous adoptive parents unless the child's birth parents specifically request otherwise.

## **Adoption of adults**

An adult may be adopted by a person who was a carer or a step parent of the person immediately before the person turned 18. Both the prospective adoptee and the prospective adoptive parent are required to consent to the adoption and both birth parents of the prospective adoptee must be notified of the intention to apply for an adoption order.

## **South Australia**

*Adoption Act 1988*

*Adoption Regulations 2004*

### **Level of court**

Youth Court of South Australia.

### **Step-parent adoptions**

In all cases, 'Leave to proceed' granted in the Family Court is required before step-parents can apply to adopt a stepchild.

Adoption by step-parents is granted only in special circumstances – that is, when there is no other order that will adequately provide for the interests and welfare of the child. These adoptions can be arranged only through the South Australian Department for Education and Child Development (DECD).

### **Other-relative adoptions**

There is provision for adoptions by relatives other than step-parents in exceptional circumstances – that is, when there is no other order that will adequately provide for the interests and welfare of the child. Adoption by relatives can be arranged only through the DECD.

### **Local and intercountry adoptions**

Eligibility requirements allow the applicant(s) to be:

- a married couple or a de facto couple for more than 5 years at the time of the making of the adoption order, or 3 years for allocation or placement of child

- a single person in particular circumstances.

Adoptions can be arranged only through the DECD.

### **Official client**

An applicant becomes an 'official client' when they lodge an Expression of Interest to adopt a child from overseas with the Department for Education and Child Development.

It is a requirement for both members of a couple to attend an information session about intercountry adoption before lodging an Expression of Interest.

### **Adoption of Indigenous children**

Restrictive eligibility criteria apply for adoptive parents in accordance with the Aboriginal and Torres Strait Islander Child Placement Principle.

### **Adoption of adults**

No provisions exist in the South Australian Adoption Act 1988 for the adoption of adults.

## **Tasmania**

*Adoption Act 1988*

*Adoption Regulations 2006*

*Adoption Amendment Act 2007*

### **Level of court**

Magistrate sitting alone.

### **Step-parent adoptions**

Adoption by step-parents is possible in some circumstances. If the child's father has not legally established his paternity, and does not do so within 30 days of the mother signing the consent to adoption, an application may be made through the Department of Health and Human Services (DHHS). If the child's paternity has been legally established, adoption is possible only in special circumstances that justify adoption and when other available orders will not provide adequately for the welfare and interest of the child. All applications for an adoption order in favour of a step-parent adoption must be made through the DHHS.

### **Other-relative adoptions**

The court's power to make an adoption order in favour of a relative is limited to special circumstances that justify adoption and when other available orders will not provide adequately for the welfare and interests of the child. All applications for an adoption order in favour of a relative must be made through the DHHS.

### **Carer adoptions**

A policy has been established regarding children in out-of-home care for whom adoption is considered to be in the child's best interests. The policy provides advice and clarifies the requirements regarding adoption by foster carers. All applications for an adoption order in favour of a foster carer adoption must be made through the DHHS.

## **Local and intercountry adoptions**

Eligibility requirements allow the applicant(s) to be:

- a couple who are married and have lived together in a stable, continuous relationship for not less than 3 years
- a single person in special circumstances that relate to the welfare and interests of the child.

Adoptions by non-relatives can be arranged by the DHHS or a non-government organisation approved by the Minister for Children.

## **Official client**

In Tasmania an applicant becomes an official client for the purpose of intercountry adoption once their adoption application has been registered.

## **Adoption of Indigenous children**

Adoption of Indigenous children is not included in legislation, although birth parents may express wishes about race of adoptive parents. The cultural differences of Indigenous people are recognised; placement within the Aboriginal or Torres Strait Islander community is the preferred option.

## **Adoption of adults**

The Tasmanian *Adoption Act 1988* includes provision for adult adoptions in circumstances where a person has been brought up, maintained, and educated by the prospective adoptive parent or either of the prospective adoptive parents, or the prospective adoptive parent and his or her deceased spouse. However, the court cannot make an order for the adoption of a person who is, or has been, married; and must also be satisfied that special circumstances exist in relation to the welfare and interests of the person which make it desirable that the person should be adopted.

## **Australian Capital Territory**

*Adoption Act 1993*

*Adoption Amendment Act 2009*

## **Level of court**

Supreme Court.

## **Step-parent adoptions**

Adoption by step-parents can be arranged only through the Office for Children, Youth and Family Support (OCYFS).

## **Other-relative adoptions**

There is provision for adoptions by relatives other than step-parents in exceptional circumstances – that is, when a guardianship or custody order will not adequately provide for the interests and welfare of the child.

Adoption by relatives can be arranged only through the OCYFS.

## **Local and intercountry adoptions**

Eligibility requirements allow the applicant(s) to be:

- a married couple for more than 3 years
- a de facto couple for more than 3 years
- a single person in particular circumstances.

Adoptions by non-relatives must be arranged through the OCYFS.

## **Official client**

A person becomes an 'official client' at the point in which a completed Application Form is received by the Adoption and Permanent Care Unit.

## **Adoption of Indigenous children**

Restrictive eligibility criteria apply for adoptive parents in accordance with the Aboriginal and Torres Strait Islander Child Placement Principle.

## **Adoption of adults**

Adult adoptions are legal under the *Adoption Act 1993* where the person is resident in the Australian Capital Territory and has been 'reared, maintained and educated' by the applicants under a de facto adoption.

## **Northern Territory**

*Adoption of Children Act 1994*

*Adoption of Children Amendment Act 2006*

The *Adoption of Children Amendment Act 2006*, which came into effect on 3 July 2006, enables the issue of Australian birth certificates for overseas-born adopted children, whenever the necessary birth information is provided by the country of origin. This applies irrespective of whether the adoption is finalised in the Local Court or as a foreign adoption order, automatically recognised under Australian law.

## **Level of court**

Local Court

## **Step-parent adoptions**

Other arrangements are sought before an adoption order is considered.

## **Other-relative adoptions**

There is provision for adoptions by relatives other than step-parents in exceptional circumstances — that is, when a guardianship or custody order will not adequately provide for the interests and welfare of the child.

## **Local and intercountry adoptions**

Eligibility requirements allow the applicant(s) to be:

- a married couple for 2 years or more

- no more than 40 years older than the child, or 45 years older than the child if previous children are in the family
- a single person in exceptional circumstances.

All adoptions must be arranged through the Department of Children and Families.

### **Adoption of Indigenous children**

Adoptions of Indigenous children can occur only if alternative custody with the child's extended family cannot be arranged. If an order is made it must comply with the Aboriginal and Torres Strait Islander Child Placement Principle.



## **B.2 Provisions for open adoptions**

### **New South Wales**

New South Wales practice recognises that a variety of relationships may exist between a child's adoptive and birth families, but strongly supports openness in adoption attitudes and actions between birth and adoptive families. An adoption plan, which may include the regular exchange of information and/or contact, is usually presented to the court at the time an adoption order is sought. In New South Wales, birth parents participate in the choice of the adoptive family for their child. Community Services, New South Wales Department of Community and Family Services or the agency that arranged the adoption will help mediate ongoing contact after the adoption order, if necessary.

### **Victoria**

The *Adoption Act 1984* provides that an adoption order can include conditions regarding information exchange and/or access between the parties. After signing the consent, birth parents are given the opportunity to express their wishes concerning contact and information exchange, which are considered when placement decisions are made. At the time of signing the consent, birth parents are asked whether they wish to be actively involved in selecting an adoptive family. They are encouraged to consider profile information on approved adoption applicants who have been assessed as suitable for the child, and to indicate the couple with whom they would prefer the child to be placed. After placement, there may be direct contact between the parties, or an exchange of information. When the arrangements form part of the adoption order, there is a legally binding way to resolve any disputes that may arise.

### **Queensland**

Under the provisions of the *Adoption Act 2009*, all parties to an adoption have access to non-identifying information. Where an adopted person is under 18, parties to an adoption can access identifying information only if both the adoptive and birth parents agree and provide consent. An adoption plan is compulsory, and must be in place before a final adoption order can be made, where a child's prospective adoptive parents and birth parents wish to have in-person contact after the adoption order is made. The DCCSDS must assist parties negotiate an adoption plan at the time a child's adoption is arranged or after an adoption order has been made, if assistance is requested.

### **Western Australia**

Since the *Adoption Act 1994*, all adoptions are considered open. All parties to an adoption may apply for access to information, which is either 'identifying' or 'non-identifying'. The level of information depends on when the adoption took place, the information recorded at the time and whether the records still exist. The *Adoption Act 1994* prohibits the placement of any new information vetoes or contact vetoes on adoptions since that date, and existing information vetoes ceased to be effective from 1 June 2005.

Adoption plans, which are a requirement for an adoption, specify whether contact will occur between the parties to an adoption and what level this will take. The contact details can be varied at a later stage through agreement and by approval of the Family Court of Western Australia.

## **South Australia**

Under the *Adoption Act 1988*, open arrangements are possible between parties to the adoption. This can involve access to information or contact between the parties. The arrangements are not legally binding and are to be facilitated and mediated by the Department for Education and Child Development.

## **Tasmania**

Under the *Adoption Act 1988*, open adoptions are possible between parties to the adoption. The adoption forms (*Adoption Regulations 2006*) allow parties to express wishes regarding ongoing contact and information exchange at the time of the adoption. These exchanges are generally facilitated by the Department of Health and Human Services. Arrangements for contact and information exchange are not legally binding.

## **Australian Capital Territory**

Legislation allows for conditional orders (that is, where contact frequency and other arrangements can be specified). Since the 1993 legislation, all adoptions are regarded as open – that is, some form of contact or information exchange is encouraged. Conditional orders are now routinely recommended to the court.

## **Northern Territory**

Open adoptions have been available since the *Adoption of Children Act 1994* was introduced. It is an option for relinquishing parents to request an open adoption and an arrangement may be made with adoptive parents, although such an arrangement is not legally binding under the *Adoption of Children Act*.

## B.3 Access to information and veto systems

### New South Wales

#### Access to information

The *Adoption Act 2000* (the Act) makes different provisions for the release of information depending on whether the adopted person is under or over 18 and whether an adoption order was made before or after 1 January 2010.

**For adoptions made after 1 January 2010**, adopted people, adoptive parents, birth parents and non-adopted siblings of an adopted person can gain identifying information about each other and search for each other from the day the adoption order is made.

Where the adopted person is under the age of 18, the adopted person requires the consent of their surviving adoptive parents or the consent of the Director General of the New South Wales Department of Family and Community Services to apply; birth parents and non-adopted siblings (whether under or over 18) must first apply to the Director General for an authority to obtain identifying information and before an authority can be released, an assessment must be made to determine if the release of identifying information would pose any risk to the safety, welfare or wellbeing of the adopted person or adoptive parents; non-adopted siblings under the age of 18 require the consent of their parents or the Director General to apply.

When the adopted person is 18 or over, a supply authority is not required; however, if a non-adopted sibling is under 18, the sibling must have the consent of their parents or the Director General.

**For adoptions made before 1 January 2010**, birth parents, adoptive parents and adopted siblings can access identifying information once the adopted person turns 18. All parties must first apply to the Director General for a supply authority. Before a supply authority is issued, a check is undertaken to see if the application is subject to an advance notice or contact veto.

While an adopted person is under 18, birth parents and adoptive parents can access non-identifying information. With the permission of the other parents (birth parents/adoptive parents), identifying information can also be provided.

For persons without other entitlements under the Act to receive identifying information, Section 140(3) enables the Director General to make adoption information available to persons where it would be reasonable to do so.

Section 137 of the Act enables anyone who had a close personal relationship with a deceased adopted person or deceased birth parent to apply to the Director General to be considered to be approved to be supplied with adoption information. This is referred to as inheriting rights.

#### Advance Notice Register

Adult adopted people, birth parents and adoptive parents are able to lodge an Advance Notice Application. This enables them to be advised if another party to an adoption applies for identifying information. The release of their personal information is then delayed for 2

months to allow the registered person to prepare for its release, for example, a birth mother may need time to tell her current partner about the adoption.

### **Contact Veto Register**

Where an adoption order was made before 26 October 1990, birth parents and adult adopted people are able to lodge a contact veto. A veto is not able to be lodged for an adoption which occurred after that date. The veto only prevents contact. It does not prevent the release of identifying adoption information. Once a veto is lodged, it becomes an offence for the person applying for the identifying information to try to make contact with the person who lodged the veto, or for them to have someone else try to make contact on their behalf. Information that is subject to a contact veto will only be released to an applicant if he/she gives a written legal undertaking to not use the information to seek contact.

### **Reunion and Information Register**

Parties to an adoption and other people may apply to register their name in the Reunion and Information Register. Their registration enables them to be 'matched' with another person who has also registered in relation to the same adoption. Once matched, the parties may then choose to be put in contact with each other and reunited. Registration on the Reunion and Information Register also enables the Adoption Information Unit and other adoption agencies to act on behalf of the registered person to locate a person from whom they have been separated as a consequence of adoption.

## **Victoria**

### **Access to information**

In Victoria, an adopted person aged 18 or older may apply for a copy of his or her original birth certificate and adoption records. An adopted person under 18 requires his or her adoptive parents' written agreement before information can be given, and the written consent of the birth parent(s) is required before identifying information can be given.

Birth parents and birth relatives may obtain non-identifying information from records about the adopted person. Identifying information can be given with the written consent of the adopted person if he or she is aged 18 or older, or of the adoptive parents if the adopted person is under 18.

Adult children of adopted persons have the same rights to information as the adopted person, providing the adopted person is first informed in writing and has not objected to the release of their adoption information or, where the adopted person is dead, a copy of the death certificate is provided.

Adoptive parents may apply for information about the birth family's background. The written permission of the birth parent is required before identifying information may be released. Also, where the adopted person is aged 18 or over, the adopted person must be notified in writing of the intention to release identifying information about the birth family.

### **Veto system**

There is no veto system in Victoria. Instead, a register operates on which people can record their wishes in relation to giving or receiving information and making contact. Although adopted persons can make contact with birth relatives themselves, an authorised agency makes contact with adopted persons on behalf of birth parents and relatives, or with birth

parents on behalf of adoptive parents. The agency will ask the parties what their wishes are and mediate between them.

## Queensland

### Access to information

The *Adoption Act 2009* makes different provisions for the release of information depending on whether an adopted person is under or over 18 and whether an adoption order was made before or after 1 June 1991.

Adopted people and birth parents are entitled to receive identifying information once the adopted person has reached 18. Where the adopted child is under 18, identifying information can be provided if consent is provided by both the adoptive and birth parents.

In certain circumstances, eligible relatives of an adopted person or birth parent who signed an adoption consent can obtain identifying information. This includes siblings of the adopted person who were not adopted.

The adopted person and the birth parent(s) who signed the adoption consent can lodge a contact statement to express their wishes regarding the manner in which they would prefer to be contacted or to express their wish not to be contacted. Offence provisions apply if an adopted person or birth parent affected by an adoption order made before 1 June 1991 contacts another party who has requested no contact.

To support people accessing information and considering contact statements, the Queensland Government also funds Post Adoption Support Queensland to provide counselling and support to people affected by adoption. This service offers:

- telephone counselling and support
- face-to-face counselling
- support and information during the search process
- mediation and assistance for people wishing to make contact with relatives.

### Veto (objection) system

In Queensland, the commencement of the *Adoption Act 2009* brought significant changes to vetoes. The repealed *Adoption of Children Act 1964* made provision for objections to contact, and objections to contact and the disclosure of identifying information, to be lodged by adopted people or birth parents affected by an adoption order made before 1 June 1991. As of 1 February 2010, all objections that were in force under the repealed *Adoption of Children Act 1964* transferred to have the effect of a contact statement specifying a request for no contact (which has the effect of a contact veto).

A contact statement remains in place unless it is revoked by the person who lodged it or the person dies. Offence provisions apply if an adopted person or birth parent affected by an adoption order made before 1 June 1991 contacts another party who has requested no contact. If a request for no contact is in place, identifying information can be provided only if the person seeking information has signed an acknowledgment indicating that they are aware the contact statement requesting no contact is in place and that it would be an offence to contact the other person.

The release of identifying information can be restricted only if the Children's Court has made an order preventing the release where the release would pose an unacceptable risk of harm.

## **Western Australia**

### **Access to information**

Before placing a child with prospective adoptive parents, an adoption plan must be negotiated between birth parents and prospective adoptive parents. This is done to facilitate contact and exchange of information between parties to the adoption. This requirement may be dispensed with by application to the Family Court of Western Australia. Under the *Adoption Act 1994*, birth parents, adoptive parents and adopted persons may apply for access to identifying and non-identifying information about the adoption from departmental records at the discretionary authority of the departmental Chief Executive Officer. For adoption orders made under the *Adoption of Children Act 1896*, there are additional requirements where the adoptee is aged under 18. The *Adoption of Children Act 1896* was repealed in January 1995 when the *Adoption Act 1994* came into operation. The *Adoption Act 1994* prohibits the placement of any new information vetoes or contact vetoes on adoptions since that date and existing information vetoes ceased to be effective from 1 June 2005.

### **Veto system**

In Western Australia, a 'message box system' operates, which allows anonymous contact between the parties.

Under the *Adoption Act 1994*, where the adoption occurred before 1 January 1995 and the adopted person is aged 18 or over, all parties can apply for access to birth records and adoption court records (that is, identifying information). Where the adopted person is under 18, all parties can apply for access to identifying information, however, the release of identifying information to any party is subject to the consent of other parties to the adoption.

Where the adoption occurred after 1 January 1995, all parties to an adoption may apply for access to identifying information.

Since changes to the legislation in 2003, no new information vetoes are permitted to be lodged. All existing information vetoes became ineffective in June 2005.

Further, as a result of these amendments, contact vetoes can no longer be lodged. The adoption plan agreed to by parties to the adoption can, however, include provisions for no contact between parties. Adoption plans are registered with the Family Court of Western Australia and can be varied by the Family Court.

## **South Australia**

### **Access to information**

In South Australia, adopted people aged 18 or over can have access to information in their original birth certificate, as well as details about their natural parents (if known), such as occupation, date of birth, physical attributes and personal interests. Adopted people are also entitled to know the names of any biological siblings who were adopted. Once the adopted person reaches 18, the birth parents can have access to the adoptive name of their relinquished child and the names of the adoptive parents. Adoptive parents can apply for certain information under certain circumstances. Descendants of an adopted person and

certain birth relatives of the adopted person can apply for information under certain circumstances.

### **Veto system**

Both adopted persons and birth parents can veto the release of identifying information, thus making contact more difficult, although a specific contact veto is not available. The veto provision is available only for adoptions that occurred before the state's *Adoption Act 1988* came into force.

Adoptive parents are able to lodge a veto to restrict identifying information about themselves being released to the birth parents, with a provision that this does not prevent the adopted person and the birth parent from making contact with each other. Certain information is also available to adoptive parents.

## **Tasmania**

### **Access to information**

In Tasmania, an adopted person aged 18 or over may apply for access to his or her pre-adoption birth record and information from the adoption record. An adopted person aged under 18 may apply for this information with the written consent of his or her adoptive parents. Birth parents, birth relatives and lineal descendants of an adopted person may apply for non-identifying information at any time or for identifying information when the adopted person is aged 18 or over. Adoptive parents may apply for non-identifying information at any time, but may receive information that includes the name of a birth parent only with the written permission of the birth parent concerned.

All applicants who are resident in Tasmania must attend an interview with an approved counsellor before receiving information.

### **Veto system**

The right to information is unqualified, but a contact veto may be registered. Any adopted person, birth parent, birth relative, lineal descendant of an adopted person or adoptive parent may register a contact veto. Where a veto has been registered, identifying information is released only after an undertaking not to attempt any form of contact has been signed. An attempt to make contact where a veto is in force is an offence. A contact veto may be lifted at any time by the person who lodged it.

## **Australian Capital Territory**

### **Access to information**

Under the Australian Capital Territory's *Adoption Act 1993*, an adopted person aged 18 or over, birth parents, adoptive parents and birth relatives may apply for identifying information in relation to the adoption. Identifying information consists of a copy of, or extract from, an entry in a register of births relating to the adopted child, or information from which a birth parent, birth relative or adopted child may be identified (excluding the address of a place of residence).

Before the *Adoption Act 1993*, no provision for adoption information existed. However, because the Act is retrospective, information is now available for adoptions that occurred under the old Act.

### **Veto system**

Under the Australian Capital Territory's *Adoption Act 1993*, only contact vetoes may be registered. The veto has to refer to a specified person or a specified class of persons.

The Act provides for an unqualified right to information, but also gives the adopted person aged over 17 years 6 months, an adoptive parent, birth parent, adult birth relatives, adoptive relatives and adult children or other descendants of the adopted person the right to lodge a contact veto. On the lodgment of such a veto, it becomes an offence for the information recipient to try to make contact with the person who imposed the contact veto.

Where information is requested and a contact veto is in force, no information is given unless the person requesting information has attended a counselling service and has signed a declaration that he or she will not attempt contact in any form. Under the *Adoption Amendment Act 2009*, vetoes can no longer be lodged in respect of adoption orders made after 22 April 2010.

The Act also makes provision for greater accountability in obtaining consents to adoptions, augments the rights of the birth parents and promotes a more open system of adoption.

## **Northern Territory**

### **Access to information**

In the Northern Territory, legislation before the *Adoption of Children Act 1994* did not provide for the release of information to any parties to an adoption. Since the introduction of the new Act, there is provision for a more open process, with identifying information being available unless a veto has been lodged. Indigenous child care agencies are authorised to counsel for the purpose of supplying identifying information.

### **Veto system**

A 3-year renewable veto may be lodged by the adopted person or birth parents with respect to adoptions finalised before 1994. There is no veto provision with respect to adoptions finalised under the new Act.



# Appendix C Countries party to the Hague Convention

Table C1: Countries party to the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption

Country	Date Convention came into effect	Country	Date Convention came into effect
Albania	1 January 2001	Georgia <sup>(a)</sup>	1 August 1999
Andorra <sup>(a)</sup>	1 May 1997	Germany	1 March 2002
Armenia <sup>(a)</sup>	1 June 2007	Greece	1 January 2010
Australia	1 December 1998	Guatemala <sup>(a)</sup>	1 March 2003
Austria	1 September 1999	Guinea <sup>(a)</sup>	1 February 2004
Azerbaijan <sup>(a)</sup>	1 October 2004	Hungary	1 August 2005
Belarus	1 November 2003	Iceland <sup>(a)</sup>	1 May 2000
Belgium	1 September 2005	India	1 October 2003
Belize <sup>(a)</sup>	1 April 2006	Ireland	1 November 2010
Bolivia	1 July 2002	Israel	1 June 1999
Brazil	1 July 1999	Italy	1 May 2000
Bulgaria	1 September 2002	Kazakhstan <sup>(a)</sup>	1 November 2010
Burkina Faso	1 May 1996	Kenya <sup>(a)</sup>	1 June 2007
Burundi <sup>(a)</sup>	1 February 1999	Latvia	1 December 2002
Cambodia <sup>(a)</sup>	1 August 2007	Liechtenstein <sup>(a)</sup>	1 May 2009
Canada	1 April 1997	Lithuania <sup>(a)</sup>	1 August 1998
Cape Verde <sup>(a)</sup>	1 January 2010	Luxembourg	1 November 2002
Chile	1 November 1999	Macedonia <sup>(a)</sup>	1 April 2009
China <sup>(b)</sup>	1 January 2006	Madagascar	1 September 2004
Colombia	1 November 1998	Mali <sup>(a)</sup>	1 September 2006
Costa Rica	1 February 1996	Malta <sup>(a)</sup>	1 February 2005
Cuba <sup>(a)</sup>	1 June 2007	Mauritius <sup>(a)</sup>	1 January 1999
Cyprus	1 June 1995	Mexico	1 May 1995
Czech Republic	1 June 2000	Moldova <sup>(a)</sup>	1 August 1998
Denmark <sup>(c)</sup>	1 November 1997	Monaco <sup>(a)</sup>	1 October 1999
Dominican Republic <sup>(a)</sup>	1 March 2007	Mongolia <sup>(a)</sup>	1 August 2000
Ecuador	1 January 1996	Montenegro <sup>(a)</sup>	1 July 2012
El Salvador	1 March 1999	Netherlands	1 October 1998
Estonia <sup>(a)</sup>	1 June 2002	New Zealand <sup>(a)</sup>	1 January 1999
Finland	1 July 1997	Norway	1 January 1998
Fiji	1 August 2012	Panama	1 January 2000
France	1 October 1998	Paraguay <sup>(a)</sup>	1 September 1998

(continued)

**Table C1 (cont.): Countries party to the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption**

Country	Date Convention came into effect	Country	Date Convention came into effect
Peru	1 January 1996	Spain	1 November 1995
Philippines	1 November 1996	Sri Lanka	1 May 1995
Poland	1 October 1995	Sweden	1 September 1997
Portugal	1 July 2004	Switzerland	1 January 2003
Romania	1 May 1995	Thailand	1 August 2004
Rwanda <sup>(a)</sup>	1 July 2012	Togo <sup>(a)</sup>	1 February 2010
San Marino <sup>(a)</sup>	1 February 2005	Turkey	1 September 2004
Senegal <sup>(a)</sup>	1 December 2011	United Kingdom <sup>(d)</sup>	1 June 2003
Seychelles <sup>(a)</sup>	1 October 2008	USA	1 April 2008
Slovakia	1 October 2001	Uruguay	1 April 2004
Slovenia	1 May 2002	Venezuela	1 May 1997
South Africa <sup>(a)</sup>	1 December 2003	Viet Nam	1 February 2012
<b>Total countries</b>	<b>88</b>		

(a) These countries have acceded to the Convention.

(b) Includes the Special Administrative Regions of Hong Kong and Macau.

(c) Includes Faroe Islands—came into force 1 April 2007.

(d) Includes England, Northern Ireland, Scotland and Wales. The Convention came into force in the Isle of Man on 1 November 2003.

*Notes*

1. Countries that participated in the Seventeenth Session (a particular conference held by the Hague) are able to sign this Convention, with the option of also ratifying it. Alternatively, countries that did not participate in the Seventeenth Session are able to accede to this Convention. By signing the Hague Convention, a country expresses, in principle, its intention to become a party to the Convention. However, signature does not, in any way, oblige a country to take further action (towards ratification or not). A country is party to the Hague Convention if it has ratified or acceded to the Convention— this involves the legal obligation for the country to apply the Convention.
2. The following countries have signed, but are yet to ratify, the Convention: Ireland, Nepal and the Russian Federation.

Source: Hague Conference on Private International Law website (HCCH 2011b), <[www.hcch.net/index\\_en.php?act=conventions.status&cid=69](http://www.hcch.net/index_en.php?act=conventions.status&cid=69)>.

# Appendix D Data quality statement

## Data quality statement: Adoptions Australia

### Summary of key issues

- The Adoptions Australia collection contains data relating to adopted children, their adoptive families and birth mothers, as well as information on the number of contact/information requests and vetoes lodged by parties to an adoption. Data are collected on intercountry, local and 'known' child adoptions. Additional data are also collected on the length of time of different intercountry adoption processes.
- The small population of the report creates a number of issues for reporting data. Proportional changes from one reporting period to the next and rates based on small numbers need to be interpreted with caution. Exploring trends over long periods (e.g. ten and twenty-five years) provides more robust results. The small population also increases the potential for attribute disclosure. Further, disaggregation of analyses by Indigenous status is not possible due to the small number of Indigenous children covered by the collection each year.
- The Australian Institute of Health and Welfare (AIHW) compiles the data each year using data extracted from the administrative systems of the state and territory departments responsible for adoptions. Some data are also provided by the Department of Immigration and Citizenship (DIAC).
- Overall, the quality and coverage of data in the Adoptions Australia collection is good. Data are only partially available (one or two jurisdictions unable to provide) for 4 of the 27 collection tables and data are rarely recorded as 'unknown' in any of the collection tables.

### Scope

A description of adoption and information on where the data for the collection is sourced is available in Chapter 1. A description of the categories of adoption included in the collection is available in Section 2.1.

The Adoptions Australia collection contains data relating to two populations of adopted children, those subject to:

- **Finalisations** – Children who were the subject of a finalised adoption order during the reporting period. This includes orders that were made in Australia and, in the case of some intercountry adoptions, where the full adoption order was made in the country of origin.
- **Placements** – Children, regardless of the status of their adoption order, who were placed with their adoptive family during the reporting period. 'Placed with their adoptive families' refers to when the child enters the home.

There can be overlap between these two groups. However, some children placed for adoption during the current period may not have their adoption finalised until a following year. In addition, some adoption orders finalised in the current period may relate to children who were placed in a previous year. However, the aggregate nature of the Adoptions Australia collection does not allow the degree of overlap to be determined.

The collection also contains data on the adoptive families and, for local adoptions, birth mothers of those children with a finalised adoption order. In addition, data on the number of contact/information requests and vetoes lodged by parties to an existing adoption are collected.

The collection is a part of the child welfare series. The agreement for ongoing funding of this series forms Schedule 3 of the National Community Services Information Infrastructure Agreement. This Agreement operates under the auspices of the Standing Council on Community and Disability Services Advisory Council (formerly the Community and Disability Services Ministers' Advisory Council).

## **Institutional environment**

The AIHW is a major national agency set up by the Australian Government under the *Australian Institute of Health and Welfare Act 1987* to provide reliable, regular and relevant information and statistics on Australia's health and welfare. It is an independent statutory authority established in 1987, governed by a management board and accountable to the Australian Parliament through the Health and Ageing portfolio.

The AIHW aims to improve the health and wellbeing of Australians through better health and welfare information and statistics. It collects and reports information on a wide range of topics and issues, ranging from health and welfare expenditure, hospitals, disease and injury, and mental health, to ageing, homelessness, disability and child protection.

The Institute also plays a role in developing and maintaining national metadata standards. This work contributes to improving the quality and consistency of national health and welfare statistics. The Institute works closely with governments and non-government organisations to achieve greater adherence to those standards in administrative data collections to promote national consistency and comparability of data and reporting.

One of the main functions of the AIHW is to work with the states and territories to improve the quality of administrative data and, where possible, to compile national data sets based on data from each jurisdiction, to analyse the datasets and disseminate information and statistics.

The Australian Institute of Health and Welfare Act, in conjunction with the compliance provisions of the *Privacy Act 1988* (Cwth), ensures that the data collections managed by the AIHW are kept securely and under the strictest conditions to preserve privacy and confidentiality.

For further information, see the AIHW website <[www.aihw.gov.au](http://www.aihw.gov.au)>.

## **Timeliness**

The reference period for the 2011–12 Adoptions Australia collection is from 1 July 2011 to 30 June 2012. The data set includes information related to all intercountry, local and 'known' adoption orders finalised during this period as well as limited information on placements that took place during this period.

The state and territory departments responsible for adoption provide data to the AIHW annually, following the end of each financial year. For the 2011–12 collection, the first iteration of data was due to the AIHW about 6 weeks after the end of the financial year (by 15 August 2012), and data were finalised for all states and territories in September 2012.

The data for each collection period are released in the AIHW's *Adoptions Australia* annual publication. In 2011–12, concurrent with the annual publication, key findings will also be released in an online dashboard.

Data from the Adoptions Australia collection are expected to be published in December of the final year of the reference period (within 6 months after the end of the reference period).

## Accessibility

Publications containing Adoptions Australia data, including the annual *Adoptions Australia* reports and online dashboard, are available on the AIHW website <<http://www.aihw.gov.au/>>. These reports are available free of charge.

Requests for unpublished data can be made by contacting the AIHW on (02) 6244 1000 or via email to <[info@aihw.gov.au](mailto:info@aihw.gov.au)>. A cost recovery charge may apply to requests that take longer to compile. Depending on the nature of the request, requests for access to unpublished data may require approval from the State and Territory data custodians and/or the AIHW Ethics Committee.

General inquiries about AIHW publications can be made to the Communications, Media and Marketing Unit on (02) 6244 1032 or via email to <[info@aihw.gov.au](mailto:info@aihw.gov.au)>.

## Interpretability

Supporting information on relevant legislation and jurisdictional policy are presented in Appendix B. Supporting information is also provided in the footnotes accompanying tables and the reports glossary. The Attorney General's Department (AGD) – the Australian Central Authority for intercountry adoption – provides expert advice on current intercountry adoption programs which is incorporated into the report to inform and contextualise analyses. Chapter 2 of the report provides an overview of the three types of adoption in the report and further contextual information. Readers are advised to consider all supporting and contextual information to ensure appropriate interpretation of analyses presented by the AIHW.

Metadata for the Adoptions Australia collection is currently under collation by the AIHW's metadata team for entry on to METeOR, the AIHW's online metadata repository.

## Relevance

The Adoptions Australia collection is the authoritative source of national adoptions data for Australia. In addition to providing information on the current period, the collection also allows for comparable trend data to be examined. As part of the 'child welfare' schedule under the National Community Services Information Infrastructure Agreement, the collection is a valuable source for monitoring the role of adoption as part of Australia's response to issues of child welfare and safety.

Each year the data collection includes information related to intercountry, local and 'known' adoption placements and finalisations that occurred during the reporting period (i.e. the 2011–12 reporting period would include data from 1 July 2011 to 30 June 2012). These data allow for analyses of adopted child, the adoptive families and, for local adoptions, birth mothers of those children with a finalised adoption order to be reported each year. The collection also allows data on the number of contact/information requests and vetoes lodged by parties to an existing adoption to be examined. In addition, data from DIAC on the

number of visas issued for expatriate adoption and the countries of origin for these adoptions provides complementary information. When combined these data give a detailed view of adoption in Australia.

## Accuracy

Data for the Adoptions Australia collection are extracted each year from the administrative systems of the Australian state and territory departments responsible for adoption, according to definitions and technical specifications agreed by the departments and the AIHW.

Overall, the quality and coverage of data in the collection are good. In 2011–12, of the 27 data tables in the aggregate collection only 4 did not contain data for all jurisdictions. Queensland and New South Wales were unable to provide data for two tables, and Western Australia was unable to provide data for one table. In 2011–12, only 4 tables contain data recorded as ‘unknown’ and in only one of these tables did the ‘unknown’ category comprise more than 5% of the data supplied.

Due to the small size of the population covered by the collection the potential for the appearance of small cells is high. However, the risk of sensitive attribute disclosure is considered low. The reasons for this are:

- Most report tables are aggregated to a national level.
- The possibility of an observed placement not to be finalised in the year it occurred (making the population of finalised adoption orders contain within a report difficult to observe and, therefore, it is difficult to determine if information about an observed adopted person is present in a particular report).
- Most variables are considered of low sensitivity by national, state and territory adoption authorities; and, some data are put in the public domain at a similar level of disaggregation by these authorities.

## Coherence

The Adoptions Australia collection was initially developed in 1993. The report series started when AIHW took over the national adoptions data collection in 1993. The first three editions were published in 1993 and 1994 (as data were collected back to 1990–91), and from 1995 one edition has been released annually. Prior to this, national adoptions data were collected and reported (briefly) by two other organisations: WELSTAT (1987–88 to 1989–90) and the Australian Bureau of Statistics (ABS, 1979–80 to 1984–85). No national data were collected in 1985–86 and 1986–87, resulting in a break in trend data for these years.

From the 1998–99 report onwards, the categories of adoption used in the *Adoptions Australia* publications differ from those in previous publications. The categories were changed to better reflect the types of adoptions that occur, and to bring the terminology more in line with that used by state and territory departments responsible for adoption. However, the new categories of adoption introduced in 1998–99 are still able to be mapped to those reported prior to this period, allowing a break in trend data to be avoided. Refer to *Adoptions Australia 2008–09* for further details (AIHW 2010a).

Those tables that have been consistently collected from 1990–91 onwards are comparable. In addition, data standards were carried over from the ABS *Adoptions Standards* (March 1982) allowing comparable data from the years prior to the AIHW collection to be incorporated

into trends reporting. The report series uses the long history of data collection to analyse trends over a 25 year period in order to capture the effect of changes to local and international societal views and policies.

In 2003–04, additional tables on the intercountry adoption process were included in the Adoptions Australia national collection template. However, prior to 2011–12 these data were not published as part of the *Adoptions Australia* report. In 2011–12, by agreement with the state and territory data custodians, these data were incorporated into the *Adoptions Australia* report (including trend data back to 2007–08).

From 2000 to 2007 the AIHW also provided the AGD with a detailed report on finalised intercountry adoptions from Hague countries as part of Australia’s reporting responsibilities under the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption. In 2008–09, tables with continuing relevance were incorporated into the main Adoptions Australia report and the separate report was ceased.

In 2010, the AGD department also began collecting data on activity in each intercountry adoption program from the States and Territories on a six-monthly basis. The data are reported on a calendar year basis and include the total number of approved intercountry adoption applications, files sent overseas and placement proposals. The AIHW *Adoptions Australia* report does not include placement proposals. Placement proposals refer to when a partner country matches a child (or children) with Australian parents, and a formal placement proposal is sent to Australia. Placement proposals do not always refer to a single child – a proposal may refer to a sibling group, and there will be a delay between a placement proposal being accepted and the child arriving in Australia (AGD 2012h). While both the AGD collection and Adoptions Australia collection contain information on the number of adoption applications and files sent overseas, there are differences in the reporting periods of the two collections and in the definitions underlying the data. For example, the AGD count of applications is for the calendar year and includes applications with an assigned country of origin already sent and waiting overseas and applications approved but queued in Australian. In contrast, the applications data reported in the *Adoptions Australia* reports are for the financial year and include only new applications approved by the department during this period, regardless of whether a country of origin has been assigned. Therefore, caution should be exercised when comparing these data.

# Glossary

**Adoption:** Adoption is the legal process by which a person legally becomes a child of the adoptive parent(s) and legally ceases to be a child of his/her existing parent(s).

**Adoption compliance certificate:** This is defined by each of the Family Law (Hague Convention on Intercountry Adoption) Regulations 1998 and Family Law (Bilateral Arrangements – Intercountry Adoption) Regulations 1998. In essence, it means a document issued by competent authorities in the overseas country where the child was adopted that affirms that the adoption is made either under the Hague Convention or the country's laws, and that the relevant authorities have agreed to the adoption.

**Adoption order:** A judicial or administrative order, made by a competent authority under adoption legislation, by which the adoptive parent(s) become the legal parent(s) of the child.

**Adoptive parent:** A person who has become the parent of a child or adult as the result of an adoption order.

**Age of adopted child:** For known child adoptions, the age of an adopted child is the age at the time the adoption order was granted. For local and intercountry adoptions, it is the age at which the child is placed with the adoptive family. Age is calculated from date of birth, in completed years.

**Applicant:** This can be a married couple, a de facto couple or a single person. The method by which the applicant becomes an 'official client' will vary for each jurisdiction, and may be when the department first opens a file, when the applicant registers, or when they are invited to attend an information session. For the purpose of this report, applicants who are already a client of the department but are applying to adopt a subsequent child, or reapplying to adopt, are counted as applicants applying for the first time.

**Arranging body:** An agency authorised under adoption legislation to make the decision about the placement of an adoptive child. Adoptions can be arranged by state and territory departments responsible for adoption, or by an authorised non-government agency. There are two categories of arranging bodies: **government arranging body** and **non-government arranging body** (see separate entries).

**Carer (known adoption):** Includes foster parents or other non-relatives who have been caring for the child and have had the responsibility for making decisions concerning the daily care and control of the child for the relevant period (as specified by the relevant state/territory department) before the adoption.

**Central Authority:** A country that is a party to the Hague Convention on intercountry adoption must have an officially designated Central Authority to discharge the duties which are imposed by the Convention. The Australian Central Authority is the Australian Government Attorney General's Department. As Australia is a federation, a Central Authority has also been designated in each State and Territory.

**Country of origin:** Refers to the country of habitual residence of the child being adopted. This will generally be the country of birth of a child.

**De facto marriage (adoptive parents):** This includes situations where there are two adoptive parents who are not legally married, but who are living together in a de facto relationship as defined by the state or territory in which they live.



**Dispensation:** A legal process by which a court may declare that the consent of a parent is not required for an adoption order to be granted. Grounds for dispensation applications are set under individual state and territory legislation.

**Disruption:** An adoption process that ends after the child is placed in an adoptive home and before the adoption is legally finalised, resulting in the child's return to (or entry into) state care or placement with new adoptive parents.

**Dissolution:** Dissolution describes an adoption that ends after it is legally finalised, resulting in the child's return to (or entry into) state care or placement with new adoptive parents.

**Expatriate adoption:** This refers to a specific type of adoption that occurs when an Australian citizen or permanent resident living abroad for 12 months or more adopts a child through an overseas agency or government authority. Australian adoption authorities are not responsible for expatriate adoptions, and do not assess or approve applicants for such adoptions.

**Finalised adoption:** Children who were the subject of a finalised adoption order during the reporting period. This includes orders that were made in Australia and, in the case of some intercountry adoptions, where the full adoption order was made in the country of origin. The way in which an adoption is finalised depends on the process used in the country of origin and the procedures of the State or Territory departments responsible for adoption in Australia.

**Full adoption order in child's country of origin:** An adoption made in the child's country of origin will be a full adoption if the order that is made creates, between the child and the adoptive parent(s), the relationships of parent and child, and severs the relationship between the child and the biological parents.

**Government arranging body:** This may be a state or territory department (see Acknowledgments), or another government authority authorised under adoption legislation to make the decision about the placement of an adoptive child.

**Guardianship/custody order (parental responsibility order):** Guardianship orders involve the transfer of legal guardianship to the relevant state or territory department or non-government agency. These involve considerable intervention in the child's life and that of their family, and are sought only as a last resort. Guardianship orders convey responsibility for the welfare of the child to the guardian (for example, regarding the child's education, health, religion, accommodation and financial matters). They do not necessarily grant the right to the daily care and control of the child, or the right to make decisions about the daily care and control of the child, which are granted under custody orders.

Custody orders generally refer to orders that place children in the custody of the state or territory, or department responsible for child protection or non-government agency. These orders usually involve the child protection department being responsible for the daily care and requirements of the child, while the parent retains legal guardianship. Custody alone does not bestow any responsibility regarding the long-term welfare of the child.

**Guardianship order in child's country of origin:** A simple adoption order made in the child's country of origin that creates a custodial relationship between the adoptive parent(s) and the child, but does not create the relationship of parent and child. In these cases, the parent/child link between the biological parent and the child is not severed. The child enters Australia under a guardianship order, and the full adoption order must be made in Australia.

**Hague adoption:** An intercountry adoption where the adoptive child's country of origin has ratified or acceded to the Hague Convention, and the applicant(s) file was sent after the Convention entered into force in this country (see Appendix C for a list of relevant countries).

**Hague Convention (intercountry adoption):** The Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption establishes uniform standards and procedures for adoptions between countries. The Convention includes legally binding safeguards and a system of supervision, and establishes channels of communication between countries. It came into force in Australia on 1 December 1998.

An intercountry adoption is classified as a **Hague** or **non-Hague adoption** (see separate entries).

**Indigenous person:** A person of Aboriginal or Torres Strait Islander descent who identifies as an Aboriginal or Torres Strait Islander and is accepted as such by the community in which he or she lives. Where a person's Indigenous status is unknown, that person is included in the category 'Other Australian'.

**Intercountry adoptions:** Adoptions of children from countries other than Australia, who are legally able to be placed for adoption, but who generally have had no previous contact with the adoptive parents. There are two categories of intercountry adoptions: **Hague adoption** and **Non-Hague adoption** (see separate entries). There are two arrangements for intercountry adoptions: **full adoption order in child's country of origin**, and **guardianship order in child's country of origin** (see separate entries).

**Known child adoptions:** Adoptions of children who were born or permanently residing in Australia before the adoption, who have a pre-existing relationship with the adoptive parent(s) and who are generally not able to be adopted by anyone other than the adoptive parent(s). These types of adoptions are broken down into the following categories depending on the child's relationship to the adoptive parent(s): **step-parent**, **relative(s)**, **carer**, and **other** (see separate entries).

**Local adoptions:** Adoptions of children who were born or permanently residing in Australia before the adoption, who are legally able to be placed for adoption, but who generally have had no previous contact or relationship with the adoptive parents.

**Marital status of adoptive parent(s):** Marital status of the adoptive parent(s) is counted at the time of placement of the child with the adoptive parent(s) using the following categories: **registered marriage**, **de facto marriage** and **single** (see separate entries).

**Marital status of birth mother – married:** The birth mother is classified as married if she was legally married (regardless of whether she is married to the birth father) at the time of the child's birth. In situations where the birth mother's legal marital partner died before the birth, the birth mother is classified as 'married'.

**Marital status of birth mother – unmarried:** The birth mother is classified as not married if she was not legally married at the time of the child's birth (except in circumstances where the birth mother's legal marital partner died before the birth). This includes situations where the birth mother was living in a de facto relationship.

**Non-government arranging body:** An agency approved to undertake adoption arrangements in Australia that is not owned or controlled by the Australian Government or by a state or territory government. Such agencies may include church organisations,

registered charities, non-profit organisations, companies and cooperative societies and associations.

**Non-Hague adoption:** An adoption where the Hague Convention had *not* entered into force in the adoptive child's country of origin before the applicant(s) file was sent.

**Other (known adoption):** Includes children adopted by commissioning (surrogate) parents, whether the commissioning parent is a relative or not.

**Partner country:** A country with which Australia has a current intercountry adoption program.

**Permanent care order:** This order grants permanent guardianship and custody of a child to a third party. Unlike adoption orders, permanent care orders do not change the legal status of the child and they expire when the child turns 18 or marries. There is also provision for an application to be made to revoke or amend a permanent care order.

The granting of a permanent care order is usually the final step in the process of permanent family placement for children who have been abused or neglected, or who are in need of care and protection for other reasons, and are unable to remain safely within the birth family.

**Placement:** Children, regardless of the status of their adoption order, who were placed with their adoptive family during the reporting period. 'Placed with their adoptive families' refers to when the child enters the home.

**Registered marriage (adoptive parents):** This includes situations where there are two adoptive parents who are legally married to each other and living together at the time of placement of the child.

**Relative(s) (known adoption):** This category of known adoption includes any relative of the child, other than step-parents. For Indigenous children, 'relative' includes those related through kinship arrangements.

**Single (adoptive parents):** This includes situations where there is only one adoptive parent who is not legally married or living in a de facto relationship, and may include widowed parents.

**Special needs adoption:** Special needs adoptions include children and young people who:

- exhibit a range of physical, intellectual or cognitive disabilities that require interventions in the domains of learning and development
- have conditions that are deemed to pose potential barriers to permanent placement and/or affect the outcome of an adoption, such as: behavioural disorders, one or more diagnosed severe medical conditions, being part of a sibling group that is to be placed with the same adoptive family, and older children.

**Step-parent (known adoption):** This category of known adoption includes a non-biological parent who is the spouse of the child's natural parent or previously adoptive parent. Foster parents are not included in this category.

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## Related publications

This report, *Adoptions Australia 2011–12*, is part of an annual series. Earlier editions can be downloaded free from the AIHW website. The website also includes information on ordering printed copies.

<<http://www.aihw.gov.au/adoptions-publications/>>.

The following AIHW publications relating to children, youth and families might also be of interest:

- AIHW 2010. Health and wellbeing of young Australians: indicator framework and key national indicators. Bulletin no. 77. Cat. no. AUS 123. Canberra: AIHW.
- AIHW 2011. Educational outcomes of children under guardianship or custody orders: a pilot study, stage 2. Child welfare series no. 49. Cat. no. CWS 37. Canberra: AIHW.
- AIHW 2011. Headline Indicators for children's health, development and wellbeing 2011. Cat. no. PHE 144. Canberra. AIHW.
- AIHW 2012. Child protection Australia 2010–11. Child welfare series no. 53. Cat. no. CWS 41. Canberra: AIHW.

This report contains comprehensive information relating to adoptions in Australia, including characteristics of adopted children, adoptive families and birth mothers. For the first time, the report also contains information on the processing times for intercountry adoption.

During 2011–12 there were 333 finalised adoptions across Australia—the lowest annual number on record. Among these:

- 45% were intercountry, 17% were local and 39% were 'known' child adoptions
- 58% of adopted children were aged under 5
- 86% of intercountry adoptees came from Asia
- 54% of 'known' adoptions were by carers, such as foster parents.