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Health and Welfare**

# **Adoptions Australia 2017–18**

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**Australian Government**

**Australian Institute of  
Health and Welfare**

CHILD WELFARE SERIES

Number 69

# **Adoptions Australia**

**2017–18**

Australian Institute of Health and Welfare  
Canberra

Cat. no. CWS 66

**The Australian Institute of Health and Welfare is a major national agency whose purpose is to create authoritative and accessible information and statistics that inform decisions and improve the health and welfare of all Australians.**

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This publication is part of the Australian Institute of Health and Welfare's Child welfare series. A complete list of the Institute's publications is available from the Institute's website [www.aihw.gov.au](http://www.aihw.gov.au).

ISSN 2205-5037 (PDF)

ISSN 1320-081X (Print)

ISBN 978-1-76054-472-0 (PDF)

ISBN 978-1-76054-473-7 (Print)

### **Suggested citation**

Australian Institute of Health and Welfare 2018. Adoptions Australia 2017–18. Child welfare series no. 69. Cat. no. CWS 66. Canberra: AIHW.

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Published by the Australian Institute of Health and Welfare

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Please check the online version at <[www.aihw.gov.au](http://www.aihw.gov.au)> for any amendments.**

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# Acknowledgments

Eileen Patterson and Sam Chambers wrote this report. David Braddock and Louise York gave essential advice and guidance during the project.

Thanks are extended to the Department of Social Services for comments on previous drafts, and to the Department of Home Affairs and the following state and territory departments for providing data, and valuable advice and support on the report:

- Department of Family and Community Services, New South Wales
- Department of Health and Human Services, Victoria
- Department of Child Safety, Youth and Women, Queensland
- Department of Communities, Western Australia
- Department for Child Protection, South Australia
- Department of Health and Human Services, Tasmania
- Community Services Directorate, Australian Capital Territory
- Territory Families, Northern Territory.

The Australian Institute of Health and Welfare 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 in their relevant state or territory, or to Intercountry Adoption Australia [www.intercountryadoption.gov.au/](http://www.intercountryadoption.gov.au/).

# Abbreviations

ACT	Australian Capital Territory
AGD	Australian Government Attorney-General's Department
AIHW	Australian Institute of Health and Welfare
DQS	Data quality statement
DSS	Department of Social Services
HA	Department of Home Affairs
IAA	Intercountry Adoption Australia
NSW	New South Wales
NT	Northern Territory
Qld	Queensland
SA	South Australia
Tas	Tasmania
Vic	Victoria
WA	Western Australia

# Symbols

—	nil or rounded to zero
..	not applicable
n.a.	not available
<	less than

# Summary

## **Adoption numbers increased**

In 2017–18, 330 adoptions were recorded as finalised. This was an increase of 5% from 2016–17 when there were 315 adoptions. However, this rise in finalised adoptions occurred against a backdrop of a 57% decline in Australia in the 25-year period from 1993–94 to 2017–18.

## **Known child adoptions made up almost three-quarters of all adoptions**

While other types of adoption have declined, 'known child' adoptions—where the child is already known to the adoptive parent(s)—have increased over the past decade, from 104 in 2008–09 to 233 in 2017–18. These adoptions comprised 71% of all finalised adoptions in 2017–18, with adoptions by carers, such as foster parents, the most common (63%). The increase in known child adoptions can be attributed to a policy change in New South Wales that resulted in a higher number of adoptions from care.

## **Local and intercountry adoptees were younger than known child adoptees**

Adoption of Australian children not known to their adoptive parents is called 'local' adoption. In 2017–18, 32 local adoptions were finalised, representing 10% of all adoptions. A further 65 adoptions of children from countries other than Australia, referred to as 'intercountry' adoptions, were also finalised. All local adoptees, and 65% of intercountry adoptees, were aged under 5. By comparison, only 1 in 6 known child adoptees (16%) were aged under 5.

## **Intercountry processing times remained under 3 years**

For intercountry adoption, the median length of time from when an adoptive parent became an official client of an Australian state or territory department responsible for adoption to when a child was placed for adoption had been increasing since 2007–08 (when data were first reported). It peaked at 5 years and 4 months in 2014–15, but then fell to less than 3 years in 2016–17. The median time in 2017–18 was 2 years and 11 months.

The median length of time from when applicants became official clients of the department to when a child was placed with them varied considerably across countries. For example, it was 2 years for South Korea but 3 years and 7 months for Taiwan.

## **Intercountry adoptions were nearly all from Asian countries**

In 2017–18, 97% of finalised intercountry adoptions were for adoptees from Asian countries. The most common countries of origin were Taiwan, comprising 32% of intercountry adoptions, followed by South Korea (29%). Equal proportions of intercountry adoptions came from Thailand and the Philippines (14% each).

The main country of origin for intercountry adoptions has changed over time. Between 2006–07 and 2010–11, the main country of origin was either China or the Philippines; since then it has varied between Taiwan and the Philippines.

## **Adoption of Indigenous children increased**

In 2017–18, 9 Indigenous children had adoption orders finalised in Australia, more than twice the number adopted in 2016–17. Over the 25-year period from 1993–94 to 2017–18, 127 Indigenous children were adopted.



# 1 Introduction

## 1.1 Adoptions in Australia

Adoption is a legal process involving the transfer of the rights and responsibilities for the permanent care of a child from the child's parent(s) to their adoptive parent(s). When an adoption order is granted, the legal relationship between the child and their parent(s) is severed. Any legal rights that existed from birth regarding the parent(s), such as inheritance, are removed. In relation to the adoptive parents, the legal rights of the adopted child become the same as they would be if the child had been born to the adoptive parent(s). A new birth certificate may be issued for the child recording the name(s) of the adoptive parent(s) as the legal parent(s) and, if given, the new name of the child.

Patterns of adoption have been changing within Australia over the past few decades. These changing patterns are due to a complex interplay of factors, including, among others: contraception and legalised abortion; the availability of financial support for single mothers; a reduction in stigma around children born outside marriage; the end of forced adoption practices; the increasing labour force participation of women; and reproductive innovations (Carmichael 2014; Constantinidis & Cook 2012; Higgins et al. 2014; Mills et al. 2011). When combined with parents postponing having children, and the consequent reduction in fertility rates, these factors have led to fewer children being in need of adoption at the same time as more families are seeking to adopt (Ertman 2015; Schmidt et al. 2012). Additionally, adoption as well as long-term legal orders which transfer parental responsibility have been used by jurisdictions to meet the needs of children in out-of-home care, resulting in further changes to adoption patterns (see sections 1.2 and 4.3).

Intercountry adoption patterns have also changed. International conventions, such as the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (Hague Convention) and the United Nations Convention on the Rights of the Child (UN Convention), along with social trends and changing social attitudes, have supported children remaining either with their families or within their country of origin (HCCH 2018). This has reduced the number of children, and particularly infants, in need of intercountry adoption. While there is variation across countries, in general, older children, sibling groups and those with special needs represent a growing proportion of the children for whom intercountry adoption is utilised as an option for creating permanent care arrangements (Mignot 2015).

Another key change has been in the level of secrecy surrounding an adoption, both in relation to the process itself and between parties to an adoption. The secrecy associated with past adoptions of Australian children has largely given way to a system focused on the needs of the child and characterised by the open exchange of information. Research has also recognised that open discussions between adoptive parent(s) and the adopted child regarding adoption-related issues are beneficial for the child's adjustment (Brodzinsky 2014; Child Welfare Information Gateway 2013; Passmore et al. 2009; Siegel & Livingston Smith 2012). Access to the adopted child by parties to an adoption (referred to in this report as an 'open' adoption) is facilitated in all states and territories, although the degree to which this occurs varies across the jurisdictions (see Appendix A:A.2).

## 1.2 Recent developments

### Carer adoptions

A relatively recent change to the pattern of adoption in Australia is evident in the increasing rate of adoption by carers such as foster parents—generally referred to in this report as ‘carer (known child) adoptions’. This reflects the desire to provide permanency of placement for children in out-of-home or foster care environments (Fernandez 2014).

Since 2012–13, known child adoptions have made up a growing proportion of all adoptions in Australia (see Section 3.4). Various legislative changes within jurisdictions, associated with adoption by carers, underpin this growth. For example, on 1 April 2014, following extensive consultation with the public and the child protection sector, the New South Wales Parliament enacted the *Child Protection Legislation Amendment Act 2014*. The amendments improved the process of adopting children and young people in out-of-home care for whom reunification was either not possible or not in the best interests of the child. New South Wales has 2 pathways to adoption for a child or young person in out-of-home care:

- the authorised carer pathway, where a person who is currently a carer is authorised to adopt the child or young person in their care, where this child is under the parental responsibility of the Minister to 18 years of age
- the dually authorised carer pathway, where a person is authorised both as a foster carer generally (that is, not necessarily as the carer of a specific child), and as a prospective adoptive parent(s) (AIHW 2016a).

Amendments made in 2012 to the *Adoption Act 1994* in Western Australia also strengthened the carer adoption process and reintroduced relative adoption as a legislative option to secure long-term permanent care for children. Under the amendments, adoptions of children and young people in out-of-home care can occur where carers or relatives meet eligibility requirements and have cared for the child for at least 2 years, and the court is satisfied that the child’s adoption would be preferable to certain orders, such as a protection order (special guardianship).

Australian jurisdictions differ in the extent to which they use adoption as a measure to improve permanency and stability for children in out-of-home care. Some jurisdictions have focused instead on improving stability and permanency for these children through long-term care and protection orders that transfer guardianship and custody of a child, often until the child turns 18, to a third party (see Section 4.3). For example, Victoria introduced permanent care orders that grant permanent parental responsibility to the exclusion of all others to a third party in 1992.

### Governance and support for Intercountry Adoption

Intercountry Adoption Australia (IAA), established by the Australian Government, has been in operation since May 2015. IAA is operated by the Department of Social Services (DSS). It provides information and advice to individuals and families involved in intercountry adoption, including families considering adopting, families who have adopted, and adoptees themselves. Part of the role of IAA is to connect parties involved in an adoption with pre- and post-adoption services and resources. IAA consists of:

- a free 1800 information line operated by qualified social workers who provide general support, help with immigration, citizenship and passport processes, and referrals to support services

- a national website, [www.intercountryadoption.gov.au](http://www.intercountryadoption.gov.au) which provides an overview of the intercountry adoption process, current information on partner countries, things to consider when adopting, access to state or territory government information, and links to support services (IAA 2018a).

State and territory central authorities remain responsible for adoption legislation, and consequently manage adoption applications and assess the eligibility and suitability of those seeking to adopt children from overseas.

The Attorney-General's Department (AGD) is the Australian Central Authority for intercountry adoption. The AGD is responsible for enabling the performance of Australia's responsibilities under the Hague Convention (including that intercountry adoption occurs in the best interests of the child). The AGD also historically managed Australia's intercountry adoption country programs. However, since January 2017, responsibility for managing and establishing the country programs transferred to the DSS. For further information, see 'Chapter 2.2 Adoption legislation and processes'.

## 1.3 Data sources and processes

The Australian Institute of Health and Welfare (AIHW) Adoptions Australia data collection is the authoritative source of national adoptions data for Australia. This report presents data extracted from the administrative systems of each state and territory department responsible for adoptions, according to definitions and technical specifications agreed by the jurisdictions and the AIHW. Data on adoption visas issued in 2017–18, including for children adopted by expatriate Australians, are provided by the Department of Home Affairs (HA; previously the Department of Immigration and Border Protection). Commencing in 2016–17 the format of the data provided by HA changed and the information presented since this change may vary from previous editions. Definitional material can be found in the Glossary.

It should also be noted that, due to the size of the target population of this collection, some analyses contain small counts. These data have been cleared for release by the state and territory departments responsible for adoption and, in some 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 (DQS) available through the AIHW website <http://meteor.aihw.gov.au/content/index.phtml/itemId/707571>.

## 1.4 Report structure

This report has 4 chapters:

- Chapter 1—an introduction to adoption
- Chapter 2—an overview of adoption processes in Australia
- Chapter 3—detailed data on adoption in 2017–18
- Chapter 4—trends in adoption in Australia, including alternatives to adoption.

Additional information including detailed statistical tables, and appendix documents containing summaries of state and territory adoption legislation and a list of the countries party to the Hague Convention, can be downloaded from the AIHW website at <https://www.aihw.gov.au/reports/adoptions/adoptions-australia-2017-18/related-material>.

## 2 Adoption in Australia

The words used to describe the parents of children placed for adoption carry sensitivities for all parties to an adoption. Both birth and adoptive parents can appropriately be referred to as 'parents'. In this report, 'mother', 'father' or 'parent' are used to describe a child's biological parents. 'Birth mother', 'birth father' and 'birth parent' are considered less appropriate terminology; however, where required for clarity, these terms are also used in this report to refer to the biological parents. 'Adoptive mother', 'adoptive father' or 'adoptive parent' are used to describe parents who have adopted a child. The children who have been the subject of an adoption order are referred to as 'adopted children' or 'adoptees'.

### 2.1 Categories of adoption

There are 3 categories of adoption in the AIHW Adoptions Australia data collection:

- **Intercountry adoptions** are adoptions of children from countries other than Australia who are legally able to be placed for adoption (Section 2.2), but generally have had no previous contact or relationship with the adoptive parent(s). Intercountry adoptions include adoptions from countries referred to in this report as either Hague, bilateral or non-Hague. They most commonly involve countries with which Australia has an established intercountry adoption program, but can also include ad hoc adoptions from other countries.
- **Local adoptions** are adoptions of children born or permanently residing in Australia before the adoption who are legally able to be placed for adoption, but generally have had no previous contact or relationship with the adoptive parent(s).
- **Known child adoptions** are adoptions of children born or permanently residing in Australia before the adoption, who have a pre-existing relationship with the adoptive parent(s), and 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.

Note: Generally, adoptions by relatives or other known carers of children from countries other than Australia, termed 'known child intercountry adoptions' are outside the scope of intercountry adoption counts in this report.

Further, adoptions by Australian citizens or permanent residents living abroad for 12 months or more that occur through an overseas agency or government authority are also excluded from the count of intercountry adoptions. These adoptions are referred to in this report as expatriate adoptions. Australian adoption authorities are not responsible for facilitating expatriate adoptions, and do not assess or approve applicants for such adoptions. Data on expatriate adoptions are available through visa applications and are reported separately in Section 3.2.

### 2.2 Adoption legislation and processes

A child can legally be adopted if all the necessary consents to the child's adoption have been obtained or dispensed with—dispensation refers to the legal process in which 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 assessing the suitability of potential

parents include their parenting capacity, age, health, reasons for wanting to adopt, marital status and the stability of their relationship. Eligibility requirements to adopt a child vary between jurisdictions (see Appendix A:A.1), as do eligibility requirements set by countries of origin for intercountry adoptions (IAA 2018b).

## Intercountry adoptions

### Legislation and responsibilities

The adoption process for intercountry children is strictly controlled:

- by each state and territory under the relevant state legislation
- by the Australian Government under the
  - Commonwealth laws relevant to intercountry adoption:
    - *Family Law Act 1975*
    - Family Law (Hague Convention on Intercountry Adoption) Regulations 1998
    - Family Law (Bilateral Arrangements—Intercountry Adoption) Regulations 1998
  - Commonwealth immigration laws relevant to intercountry adoption:
    - *Australian Citizenship Act 2007*
    - *Immigration (Guardianship of Children) Act 1946*
    - *Migration Act 1958*
  - Migration Regulations 1994
- in accordance with the principles of the Hague Convention and the UN Convention.

The Hague Convention entered into force for Australia in December 1998. It establishes:

- standards and procedures between countries, including legally binding standards and safeguards
- a system of supervision to ensure that these standards and procedures are observed
- channels of communication between authorities in countries of origin and receiving countries for children being adopted
- principles that focus on the need for intercountry adoptions to occur only where it is in the best interests of the child and with respect for their fundamental rights, and to prevent the abduction, sale, or trafficking of children.

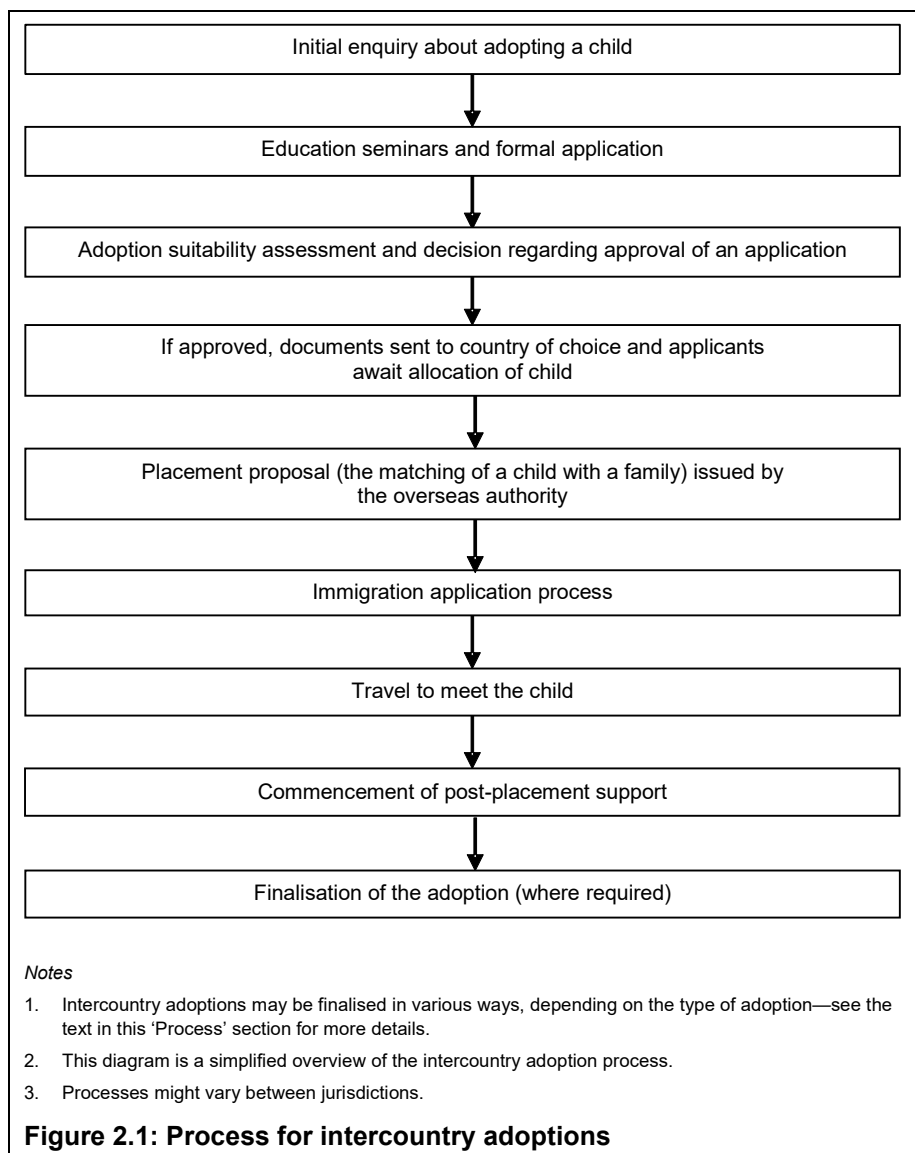
A list of countries that were party to the Hague Convention during 2017–18 can be downloaded as part of the supplementary material available on the AIHW website for this report (see Appendix B).

The AGD is responsible for enabling the performance of Australia's responsibilities under the Hague Convention. In accordance with their responsibilities for intercountry adoption, each state and territory has also established a Central Authority under the Hague Convention. In January 2017, the AGD transferred primary responsibility for establishing and managing Australia's intercountry adoption arrangements to the DSS. The responsibility for processing adoption applications and assessing and approving prospective adoptive parents resides with state and territory governments.

### Process

Although each state and territory has its own legislation for intercountry adoption, the general process is similar across the jurisdictions (Figure 2.1). The AGD, DSS and 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.



In addition to requirements set by Australian state and territory adoption authorities, each country of origin also sets out requirements for prospective adoptive parents wishing to adopt a child from that country. These requirements vary between countries and include, but are not limited to, the age of parents, marital status, current family structure and nationality or ethnic background. Fees associated with intercountry adoption vary depending on the Australian state or territory and the country of origin of the child, are subject to change and are affected by various factors. Details on country programs, including eligibility and fees, are available from the IAA website (IAA 2018b).

Waiting periods between when a partner country receives an application and when applicants are matched with a child are influenced by several factors outside the control of Australian authorities. These include the number and characteristics of children in need of intercountry adoption, the number of applications received and the resources available to the overseas authority. Waiting times for intercountry adoptions vary between countries. Families can experience around a 3-year wait from the time they apply to the overseas country before a child is placed in their care (see sections 3.2 and 4.1).

An intercountry adoption may be finalised in various ways. In some cases, 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. Under changes made to the Family Law (Bilateral Arrangements—Intercountry Adoption) Regulations 1998 in 2014, full adoption orders in Taiwan and South Korea (countries with which Australia has bilateral arrangements) are also automatically recognised in Australia, if the relevant state or territory authority has agreed that the adoption could proceed.

Other adoptions from outside Australia might not be automatically recognised under Australian law. Where an adoption is not automatically recognised, the *Immigration (Guardian of Children) Act 1946* provides guardianship arrangements for the child. In these cases, the child will be under guardianship of the Minister for Home Affairs once the child arrives in Australia (see Section 3.2). This guardianship is usually delegated to the relevant state or territory Central Authority. The minister's delegated guardianship remains valid until the child turns 18, leaves Australia permanently, becomes an Australian citizen or, as happens in most cases, the adoption order is finalised by an Australian authority.

### **Australia's intercountry adoption programs**

In mid-2018, Australia had active intercountry adoption programs with 13 countries: Bulgaria, Chile, China, Colombia, Hong Kong, Latvia, the Philippines, Poland, South Africa, South Korea, Sri Lanka, Taiwan and Thailand (DSS 2018). In August 2018, the Assistant Minister for Children and Families wrote to state and territory ministers to advise that the India–Australia adoption program would be reactivated on a small scale; however, at the time of this report it was not yet possible to send new adoption applications to India (DSS 2018).

Not all of the countries with which Australia has an official adoption program are parties to the Hague Convention. Previously, adoptions where the Hague Convention had not entered into force in the adoptive child's country of origin were referred to as 'non-Hague' adoptions for national reporting purposes. In 2017–18, to distinguish between countries with which Australia had an adoption program under a bilateral agreement and other 'non-Hague' countries, the term 'bilateral adoption' was introduced (see Glossary for definitions of the adoption categories).

Regardless of whether the convention is in force in a country, adoption programs are established only with countries where Australia can be satisfied that the principles of the Hague Convention are being met. In this context, bilateral arrangements exist with South Korea and Taiwan, which have not currently ratified the Hague Convention—South Korea signed the Hague Convention in May 2013, but had not finished implementing all requirements by mid-2018 (see Appendix B).

### **Ad hoc requests**

Requests to adopt children from countries with which Australia does not have an existing intercountry adoption program are referred to as 'ad hoc requests'. The relevant state or territory Central Authority considers these on a case-by-case basis.

As a general principle, individual ad hoc requests for intercountry adoption are likely to be considered only in exceptional circumstances, as they are not consistent with Australia's management of intercountry adoption. 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 an overseas country that satisfies Hague Convention standards and requirements.

The relevant state or territory authority must have accepted an ad hoc request before prospective adoptive parents can make a formal application for adoption and be assessed for

suitability to adopt. If the request is accepted, applicants will be subject to the normal intercountry adoption process applicable in their relevant state or territory.

### **Private adoptions**

State and territory central authorities do not support adoptions arranged through a privately contracted adoption agency, or those that do not go through a government's Central Authority—known as private adoptions. Adoptions to Australia must either be approved by a state or territory Central Authority or meet Australian immigration requirements for expatriate adoption (DHA 2018) (see Section 3.2).

## **Local adoptions**

### **Legislation and responsibilities**

Each state and territory has legislation governing local adoption practices—an outline of the legislation for each jurisdiction is provided in Appendix A:A.1. The individual state or territory authority for adoption works to ensure that local adoption practices follow the regulations set out by its jurisdiction.

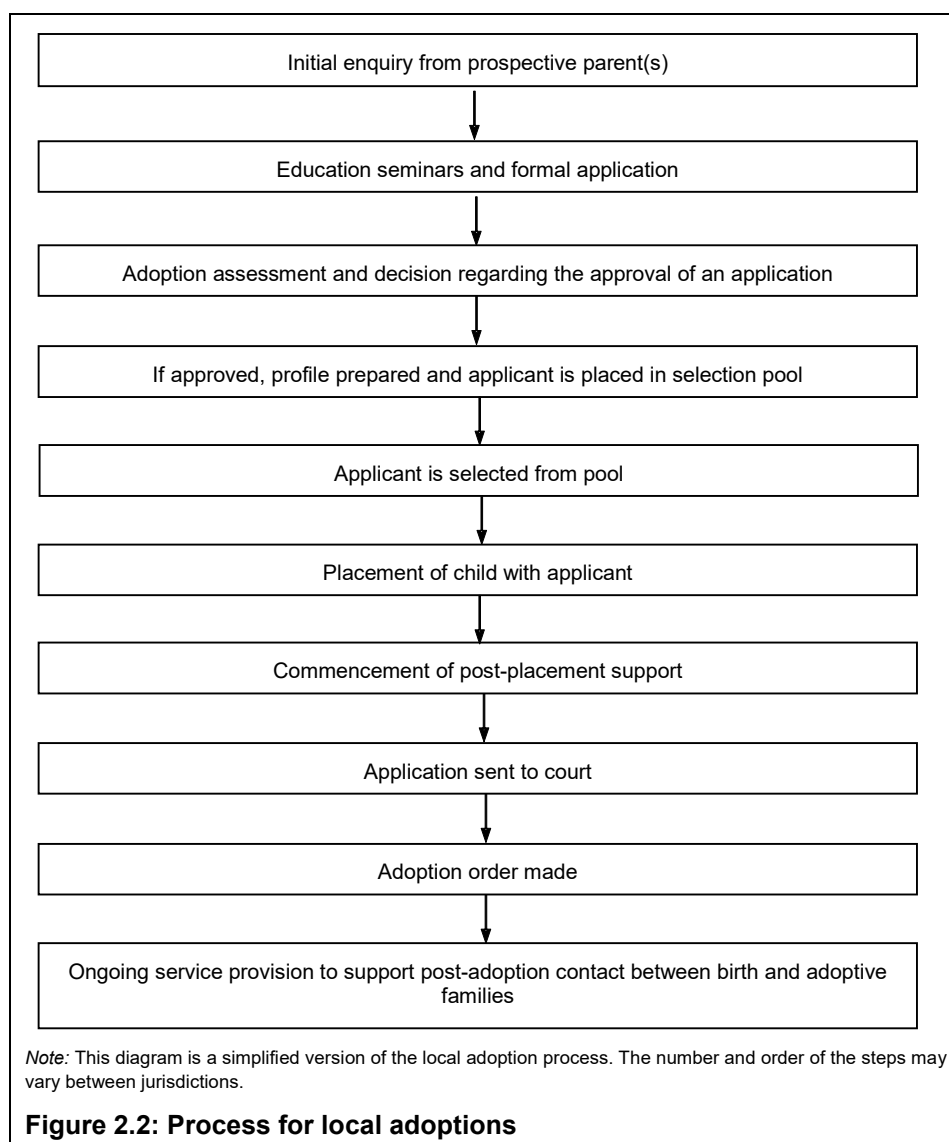
For local adoptions, in most cases, the responsible state or territory department will be the guardian of a child for whom general consents for adoption have been signed. For some approved non-government adoption agencies, the principal officer of the agency will be the guardian. The guardianship of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

In the case of Indigenous children, jurisdictions have additional legislation or regulations that help determine whether an adoption should be considered over other arrangements, such as the use of an alternative legal order.

### **Process**

Figure 2.2 shows the process involved in placing 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 adopting their partner's children, or by long-term carers, such as foster parents, of children placed in their care. The aim of this type of adoption is to provide the child with a clear legal position, status, and stability within the family arrangement. In some circumstances, the adoption may be finalised after the adoptee is legally considered an adult. The role of the department varies between jurisdictions when administering adult adoptions (see Appendix A:A.1). As a result, not all such adoptions are captured in this report.

Adoptions by relatives other than step-parents are less common. This is because most states and territories have policies that promote the use of parental responsibility orders rather than adoption when a child is to be permanently cared for by another relative, such as permanent care and guardianship/custody orders. Adoptions by relatives are generally discouraged, as they might confuse and distort biological relationships. For example, if a child was adopted by

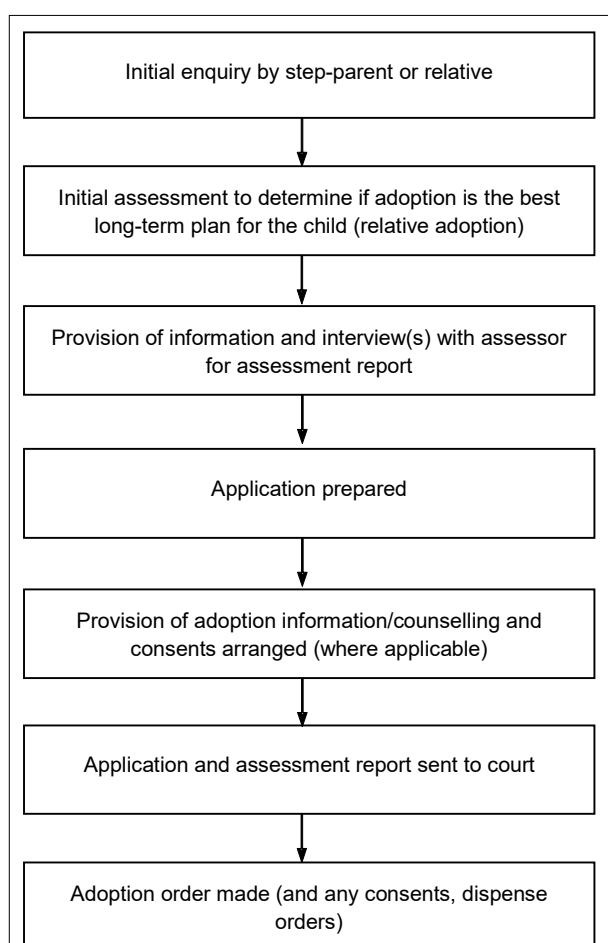
their grandmother, the child's parent would legally become the child's sibling. In exceptional circumstances—that is, when a parental responsibility order would not adequately provide for the welfare of the child—legislation in most states and territories does allow carers or relatives other than step-parents to adopt a child.

As is the case with local adoptions, jurisdictions have additional legislation or regulations that help determine whether an adoption should be considered for creating permanent care arrangements for Indigenous children.

Known child adoptions by people who are not carers or relatives, such as by commissioning (surrogate) parents, are uncommon in Australia. Where data are recorded by the department responsible for adoption in each state and territory, these adoptions are captured in this report under the 'Other' category in known child adoptions.

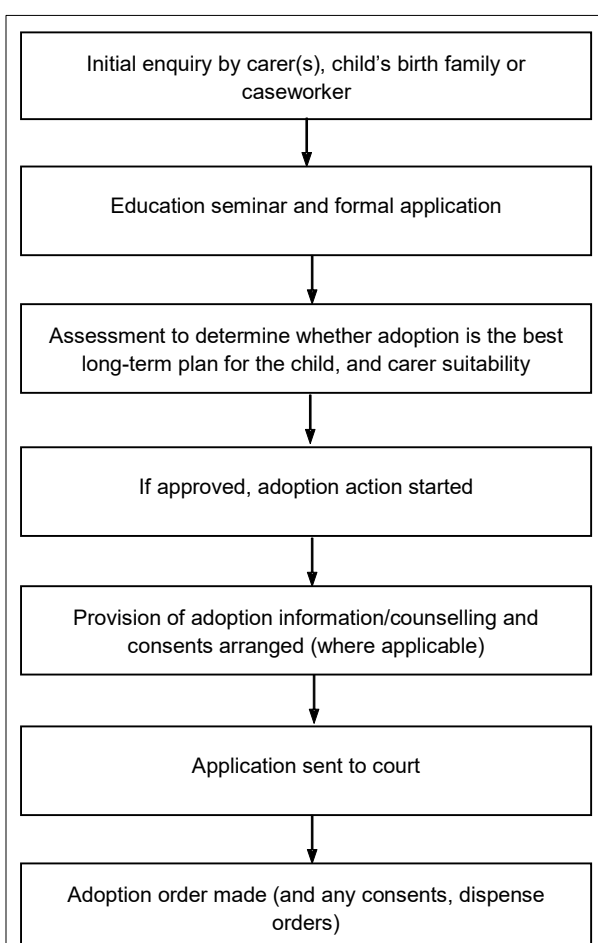
## **Process**

Each state and territory has its own process for the adoption of known children. The most common types of known child adoptions are step-parent adoptions and carer (known child) adoptions. Figure 2.3a broadly shows the process for adoptions by step-parents and other relatives (intra-familial adoptions). In some jurisdictions, the department responsible for adoption has limited involvement in this process, with prospective parents responsible for preparing and lodging their own applications directly with the court. Figure 2.3b shows the general process for adoptions by carers, such as foster parents, although some of the additional complexities associated with adoptions by carers are not shown. In both cases, the precise order of the steps might vary slightly between jurisdictions.



*Note:* This diagram is a simplified overview of the step-parent or relative adoption process. The number and order of the steps may vary between jurisdictions.

**Figure 2.3a: Process for step-parent and relative adoptions**



*Note:* This diagram is a simplified overview of the carer (known child) adoption process. The number and order of the steps may vary between jurisdictions.

**Figure 2.3b: Process for carer (known child) adoptions**

### 3 Adoptions in Australia during 2017–18

#### Key findings:

- There were 330 adoptions in Australia in 2017–18.
- Of all finalised adoptions, 20% were intercountry and 80% were of Australian children.
- Carer (known child) adoptions were the most common—147, or 45% of all finalised adoptions.
- All local adoptees, and a large percentage of intercountry adoptees (65%), were aged under 5. Only 1 in 6 (16%) of known child adoptees were under 5.
- The median waiting time for families adopting from overseas remained below 3 years (35 months) in 2017–18.
- Half of all adoptive parents involved in local adoptions were aged 40 or over. For intercountry and carer (known child) adoptions, proportionally more adoptive parents were aged 40 or over (71% and 81%, respectively).

This chapter provides an in-depth analysis of intercountry, local and known child adoptions in Australia in 2017–18. Given the small numbers involved, there can be volatility in the data observed from year to year. Due to this, changes identified over short periods (such as, a single year) should be interpreted with caution.

Chapter 4 focuses on trends over longer periods, which can provide a more reliable picture of change in small populations. More information about the implications of the small size of the adoptions population can be found in the DQS for this collection at <http://meteor.aihw.gov.au/content/index.phtml/itemId/707571>.

#### Motivations and expectations around adoption

People have many reasons for adopting, and these can influence the type of adoption that prospective adoptive parents choose over alternative options (including fostering). It has been argued that intercountry adoption, in particular, began as a humanitarian response to children in disasters but became an accepted way of forming a family in many western countries (Fronek & Cuthbert 2013; Young 2012b). In addition to humanitarian or altruistic motives, the desire to be a parent, infertility or simply wanting to adopt are among commonly given reasons for seeking to adopt a child (Breuning 2013; Jennings et al. 2014; O'Halloran 2015).

Research on why current and prospective adoptive parents choose a particular type of adoption has found differing views about the potential advantages of one type of adoption over others. Many prospective adoptive parents expressed a strong desire for a younger baby—partly because older children were thought to have more health and behavioural problems (Ward 2011). Among those who preferred intercountry adoption, there was a perception that being allocated a younger child was more likely through intercountry adoption (Ishizawa & Kubo 2014). Prospective adoptive parents who viewed intercountry adoption as the most attractive option often thought it would be faster than a local adoption and considered that having birth parent(s) involved, believed to be more likely in local adoptions and fostering, would make the process more complicated (Breuning 2013; Ishizawa & Kubo 2014). Some considered that intercountry adoption created permanent, lifelong bonds—compared with perceived impermanent bonds associated with fostering—and that more overseas than Australian children were in need (Young 2012a). Further, while complex backgrounds might have been viewed as social problems in relation to foster children, they were considered by

some as interesting challenges for children in the context of intercountry adoptions (Young 2012a; Zhang & Lee 2011).

Data from the Australian context does not support all these perceptions. For example, although national data on processing times for local adoptions were not available, data for intercountry adoptions revealed a long offshore process with median waiting times of around 3 years. Further, national data for Australia indicates relatively few intercountry adoptees were infants under 12 months—4 of the 65 (6%) intercountry adoptees in 2017–18 were under 12 months—while a higher proportion of infants were present among local adoptees—9 of the 32 (28%) local adoptees in 2017–18 were under 12 months. These data are explored in detail elsewhere in this report.

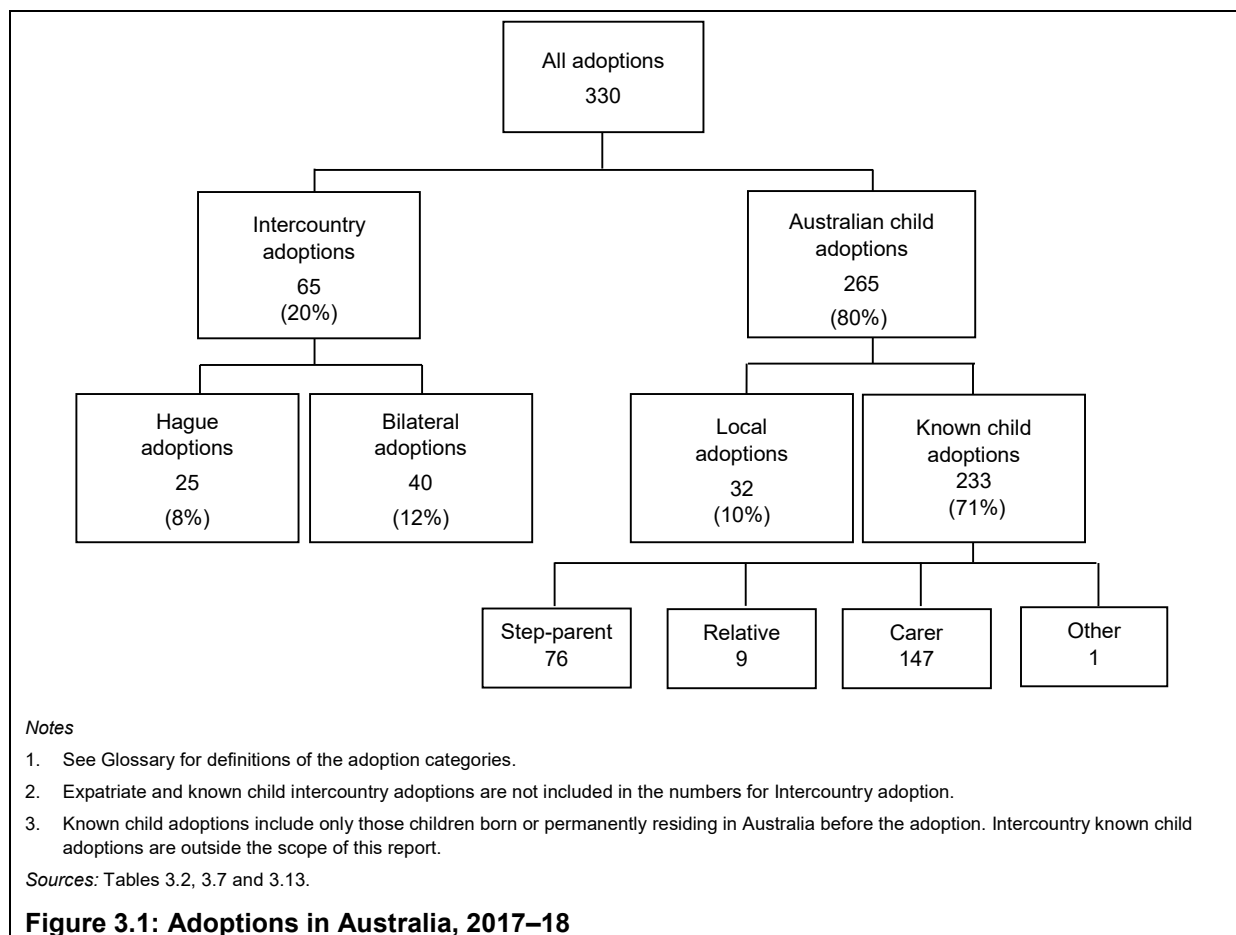
Those who chose local over intercountry adoption often believed they would be more likely to adopt a healthy child. A recent study looking at parental perceptions of developmental disabilities in internationally adopted children 10 years after adoption found that even meticulous pre-adoption screening of internationally adopted children did not preclude developmental problems appearing in later childhood (Diamond et al. 2015). Among those who chose to foster rather than adopt, the lower cost or faster outcome were often cited as main reasons for the choice (Malm & Welti 2010).

Preferences, and hence patterns of adoption over time, are influenced by a variety of contextual factors that vary between countries and that are subject to change over time. Economic and social changes that enable children to remain with their birth family or to be adopted in their country of origin reduce the need for intercountry adoption. Increased supports for single parents and increasing acceptance of non-traditional family units also influence patterns and perceptions of adoption. Likewise, the increased use of assisted reproductive technologies (including in-vitro fertilisation and maternal surrogacy) may contribute to how prospective parents view adoption as a way of forming or extending a family (Cohen & Chen 2010; Deonandan & Bente 2014).

### **3.1 Overview of adoption activity in 2017–18**

In 2017–18, there were 330 adoptions of children finalised in Australia. This was an increase of 5% over the 315 adoptions from the previous year. Despite the increase in 2017–18, annual adoption numbers have fallen over the last 25 years—down 57% from the 764 adoptions recorded in 1993–94 (Table S1; see Chapter 4 for more details on trends in adoptions).

Of the 330 adoptions, 65 (20%) were children adopted from overseas and 265 (80%) were children from Australia—32 local adoptions and 233 known child adoptions (Figure 3.1).

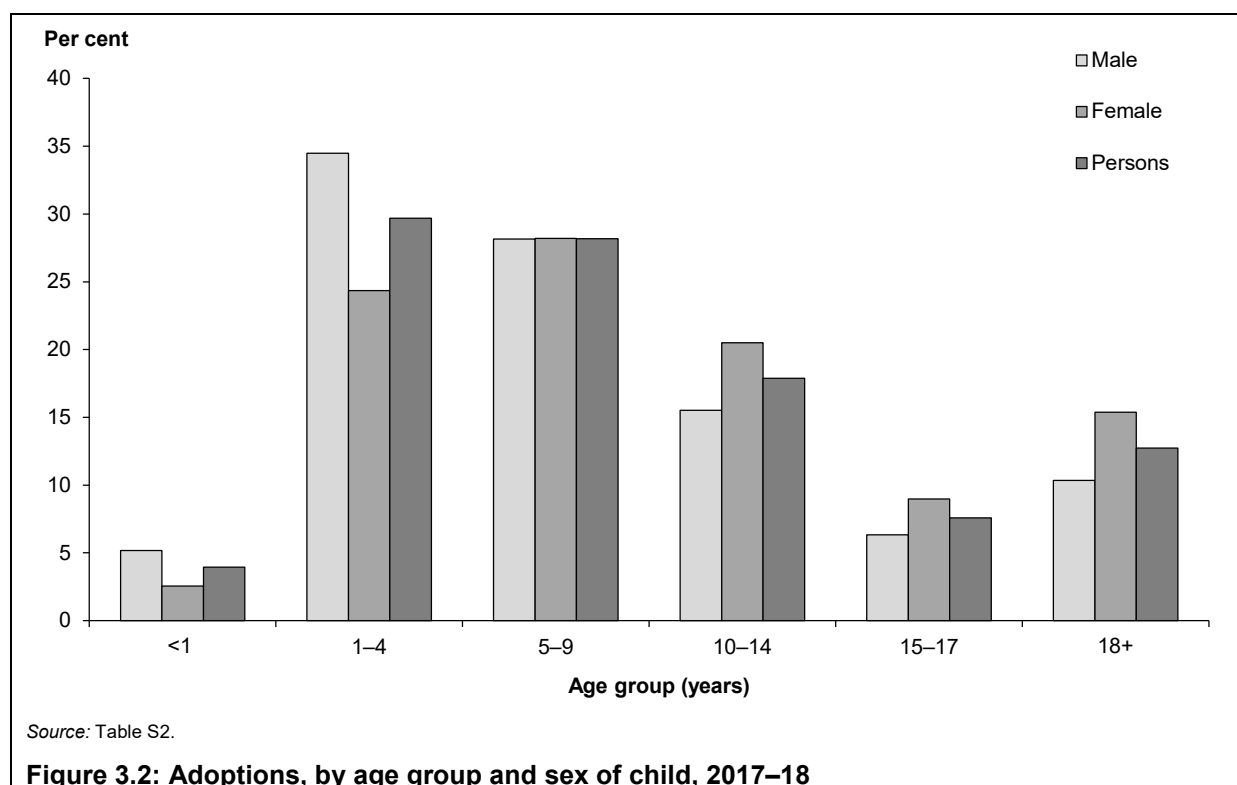


For local and intercountry adoptions, children may be placed with their adoptive families before the adoption order is finalised (see figures 2.1 and 2.2). There were 108 placements during 2017–18 (Table S3). For some of these children, the adoption order was not finalised during the 2017–18 period, and these children would not be included among the reported 330 finalised adoptions. In addition, some adoption orders finalised in 2017–18 related to children who were placed in previous years.

Of all adoption orders finalised in 2017–18, there were slightly more male than female adoptees (53% and 47%, respectively). The most frequently adopted age group was 1–4 year olds (comprising 30% of all adoptions) (Table S2). Age and sex profiles tend to differ widely between intercountry, local and known child adoptions, and these differences can in turn influence the profile for all adoptions, depending on the proportion in each adoption category.

Children in known child adoptions were generally older than their local and intercountry counterparts. This difference in the age profile of adoptees was due, in part, to the jurisdictional requirements in place during, and prior to, 2017–18 around the length of time prospective adoptive parents, such as foster parents, needed to have had a relationship with the child before an adoption could occur. The additional time involved in the creation of step-families also contributed to the tendency for known child adoptees to be older. In 2017–18, 84% of known child adoptees were aged 5 and over, while the majority of intercountry (65%) and all local adoptees were aged under 5. However, because the total number of intercountry and local adoptees was lower than the count of known child adoptees (97 intercountry and local adoptees combined, compared with 233 known child adoptees), only about one-third of all finalised adoptions in 2017–18 were of children aged under 5

(111 or 34%). Of these, only 13 adoptees (4% of all adoptions) were younger than 12 months (Figure 3.2; Table S2).



From 2016–17 to 2017–18, the number of finalised adoptions fell in Queensland, Western Australia, South Australia and the Australian Capital Territory. An increase occurred in New South Wales and the Northern Territory, while adoption numbers in Victoria and Tasmania remained stable (Table S1).

## 3.2 Intercountry adoptions

Intercountry adoptions finalised in 2017–18 would have been preceded by application, assessment, placement proposal and immigration processes (Figure 2.1). In 2017–18, 65 intercountry adoptions were finalised, representing 20% of all adoptions finalised (Figure 3.1). This was a slight drop from the 69 intercountry adoptions in 2016–17 (Table S4). Intercountry adoptions decreased in most states in 2017–18 on the previous year, but increased in New South Wales (from 13 to 20) and the Northern Territory (from 4 to 8) (Table S4).

### Applicants for intercountry adoption

In 2017–18, 173 applicants became official clients of Australian adoption authorities (Table 3.1). Applicants could be married couples, de facto couples or single persons. Table 3.1 shows the number of applicants who progressed to become official clients within the year, noting that the definition of when this occurred varied across jurisdictions. For example, it might have referred to when the department first opened a file, when the applicant registered, or when the applicant was invited to attend an information session (see Appendix A:A.1).

National data on the number of applicants who become official clients in a given year were first reported in 2011–12 (Table S5). Since 2011–12, the number fluctuated, the 216 applicants who became official clients in 2016–17 being the largest number in the period to 2017–18.

**Table 3.1: Level of activity in intercountry adoption, by state and territory, 2017–18**

Activity	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Australia
Number of applicants who became official clients <sup>(a)</sup>	16	40	75	23	4	1	3	11	<b>173</b>
Number of applicants who were approved as eligible and suitable for adoption <sup>(b)</sup>	25	6	15	14	4	1	3	11	<b>79</b>
Number of files sent overseas <sup>(c)</sup>	19	3	12	8	6	1	3	7	<b>59</b>

(a) Counts the number of applicants who became official clients of the adoptions section of the relevant state/territory department between 1 July 2017 and 30 June 2018.

(b) Counts the number of applicants whose application to adopt was approved by the department between 1 July 2017 and 30 June 2018. 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 to await the allocation of a child between 1 July 2017 and 30 June 2018.

*Note:* Each category is separate, and while some applicants might appear in each category (for example, if they became official clients and were approved as eligible in the same year), not all do. For example, some applicants might have become official clients in 2015–16, been approved in 2016–17 and had their file sent overseas in 2017–18. These applicants would appear only in the last category in the current reporting period.

*Source:* AIHW Adoptions Australia data collection.

In 2017–18, Australian adoption authorities made the formal decision to approve 79 applicants as eligible and suitable to adopt a child (Table 3.1). Not all of these approvals relate to applicants who became official clients during 2017–18, as some might have become official clients during a previous year. In addition, this number does not reflect all approved applicants, but only those who were newly approved during 2017–18 (see ‘Limitations of existing data’ in the DQS at <http://meteor.aihw.gov.au/content/index.phtml/itemId/707571>).

Australian adoption authorities sent 59 files overseas during 2017–18 to await matching with a child (Table 3.1). This number does not include those files sent overseas in previous years that were still to be matched.

## Country of origin

Of the 65 finalised intercountry adoptions in 2017–18, 97% were for children from Asian countries (Table S7). This distribution reflects Australia’s active intercountry adoption programs and geographic location in the Asia-Pacific region. The most common countries of origin were Taiwan (32% of intercountry adoptions), South Korea (29%), and the Philippines and Thailand (14% each) (Table 3.2; Figure 3.3). Patterns for countries of origin have changed considerably over time, while the number of children adopted has steadily declined overall (Table S8). See ‘Adoption of children born overseas’ in Section 4.1 for a detailed discussion of trends in intercountry adoption.

Of those intercountry adoptions finalised in 2017–18, 62% were from bilateral countries (Table 3.2). This was an increase from the previous year when 55% of finalised intercountry adoptions were from bilateral countries.

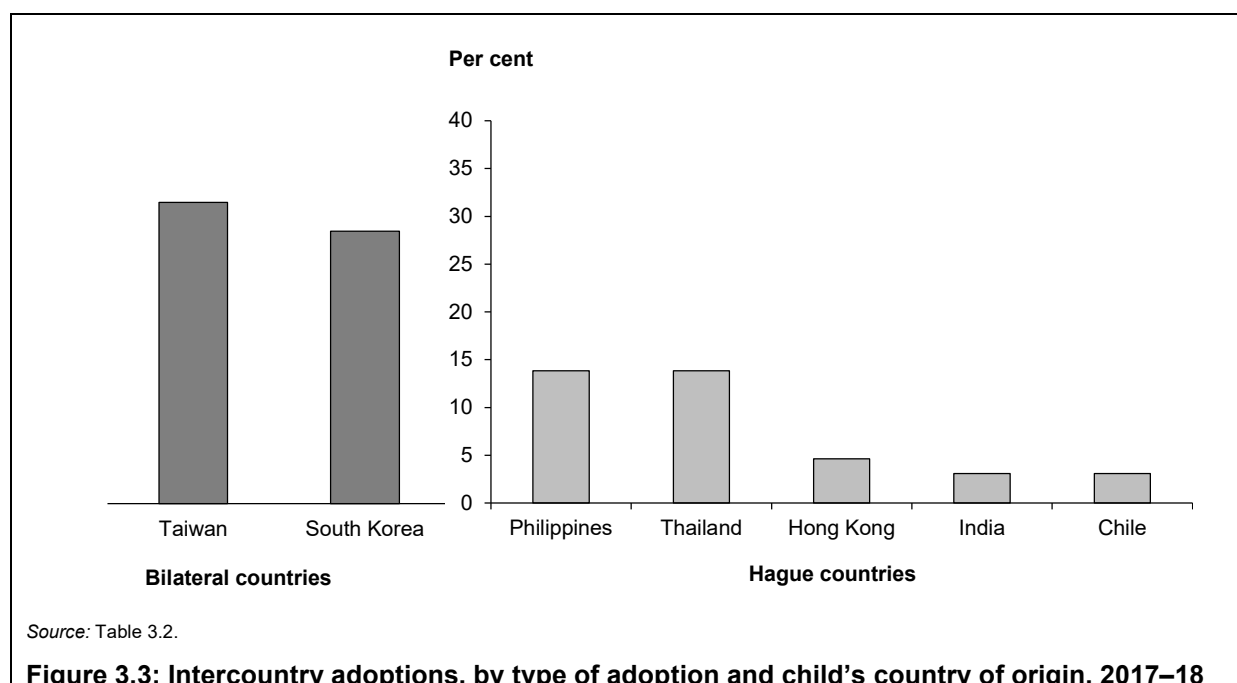


**Table 3.2: Number of intercountry adoptions, by type of adoption and child's country of origin, 2017–18**

Country of origin	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Australia
<b>Hague adoptions</b>									
India	—	2	—	—	—	—	—	—	2
Philippines	4	—	4	1	—	—	—	—	9
Hong Kong	—	2	—	—	1	—	—	—	3
Thailand	2	—	1	—	2	—	1	3	9
Chile	—	—	2	—	—	—	—	—	2
<i>Total Hague adoptions</i>	6	4	7	1	3	—	1	3	25
<b>Bilateral adoptions</b>									
South Korea	6	1	2	5	1	1	—	3	19
Taiwan	8	2	4	3	2	—	—	2	21
<i>Total bilateral adoptions</i>	14	3	6	8	3	1	—	5	40
<b>Total intercountry adoptions<sup>(a)</sup></b>	<b>20</b>	<b>7</b>	<b>13</b>	<b>9</b>	<b>6</b>	<b>1</b>	<b>1</b>	<b>8</b>	<b>65</b>
<b>Percentage of intercountry adoptions</b>	<b>30.8</b>	<b>10.8</b>	<b>20.0</b>	<b>13.8</b>	<b>9.2</b>	<b>1.5</b>	<b>1.5</b>	<b>12.3</b>	<b>100.0</b>

(a) One known child intercountry adoption in New South Wales, two known child intercountry adoptions in Western Australia, and one known child intercountry adoption from the Australian Capital Territory were excluded from national intercountry adoption data in 2017–18.

Source: AIHW Adoptions Australia data collection.



**Figure 3.3: Intercountry adoptions, by type of adoption and child's country of origin, 2017–18**

## Processing times for children placed during 2017–18

In addition to providing information on the efficiency of contemporary adoption practices, the length of the adoption process in Australia provides an insight into the lived experience of prospective parents seeking to form or extend a family by adoption. In 2017–18, data were available only for intercountry adoptions (see 'Limitations of existing data' in the DQS at <http://meteor.aihw.gov.au/content/index.phtml/itemId/707571>).

For children who were placed with their adoptive parent(s) in 2017–18, the median length of time from when an Australian applicant became an official client of a state or territory department to when a child was placed with them was 35 months (just under 3 years).

Median waiting times for countries from which placements were received during 2017–18 varied considerably. For example, placements from South Korea had a median time of 24 months, while the median time was 43 months (just over 3 and a half years) for Taiwan (Table 3.3). Generally, the longest period in the process occurs between the time a partner country receives an applicant's file from Australia and when the overseas authority allocates a child. In 2017–18, the combined median time for all countries of origin for this component of the intercountry adoption process was 9 months. However, in 2017–18, the period from when the adoptive parents became official clients of the department to when an approval decision was made also recorded a median time of 9 months (Table 3.3). This was most likely due to a number of placements in 2017–18 having unusual circumstances that led to comparatively longer approval and overall processing times, combined with very efficient in-country processes recorded for adoptions from South Korea.

A number of factors can influence the time involved in the intercountry adoption process. These include:

- the number and characteristics of children needing families
- the number of prospective adoptive parents making applications
- the age and needs of the child/children an applicant is open to and approved to adopt
- policy and program restrictions in place for a given country
- the resources available to the overseas country to process an application.

If a child is placed with their adoptive family before a recognised full adoption order is in place, there will be a period while the adoption order is finalised by Australian authorities. As a result, some children placed during 2017–18 might not have had their adoption finalised within that financial year. This was the case for 23 intercountry adoptees placed with their adoptive families during 2017–18 (AIHW Adoptions Australia data collection).

**Table 3.3: Median length of time for the intercountry adoptions process, by country of origin, for children placed in 2017–18 (months)<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>
South Korea	8	1	1	11	24
Philippines <sup>(c)</sup>	6	2	13	5	27
Taiwan	11	4	12	7	43
Thailand	6	3	24	3	38
<b>All countries<sup>(d)</sup></b>	<b>9</b>	<b>2</b>	<b>9</b>	<b>8</b>	<b>35</b>

(a) This table includes all children who were placed with their adoptive families during 2017–18. It looks at the median length of time from when applicants became official clients of the department to when a child was placed with them.

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

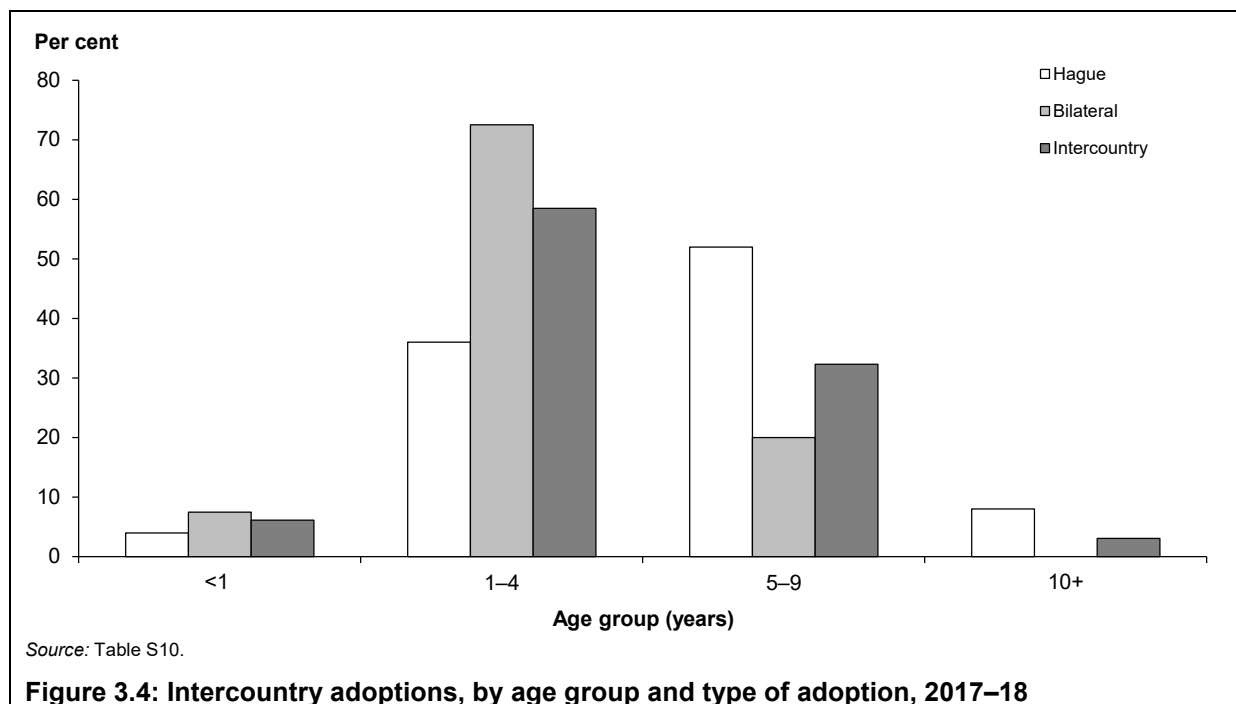
(c) Four adoption placements from the Philippines in 2017–18 were excluded from the median calculation for that country due to an unusual adoption pathway creating significant delays in the process.

(d) Includes 4 placements from the Philippines in 2017–18 that were excluded from that country's calculated median times. Also includes Chile and Hong Kong—these countries had fewer than 4 placements in 2017–18, making it unsuitable to report a median measure for these countries individually.

Source: AIHW Adoptions Australia data collection.

## Characteristics of adopted children

Of the 65 intercountry adoptees in 2017–18, 97% were younger than 10 and 65% were under 5 (Table S2). However, only 4 of the 65 intercountry adoptees (6%) were infants aged under 12 months (Figure 3.4). Infant adoptees came from Taiwan and Thailand (Table S10) and consisted of 3 males and 1 female (Table S2). As noted in Chapter 1, older children, sibling groups and those with special needs represent a growing proportion of the population for whom intercountry adoption is considered as an option (Mignot 2015). See 'Adoption of children born overseas' in Section 4.1 for a detailed discussion of trends in the age distribution of intercountry adoptees.

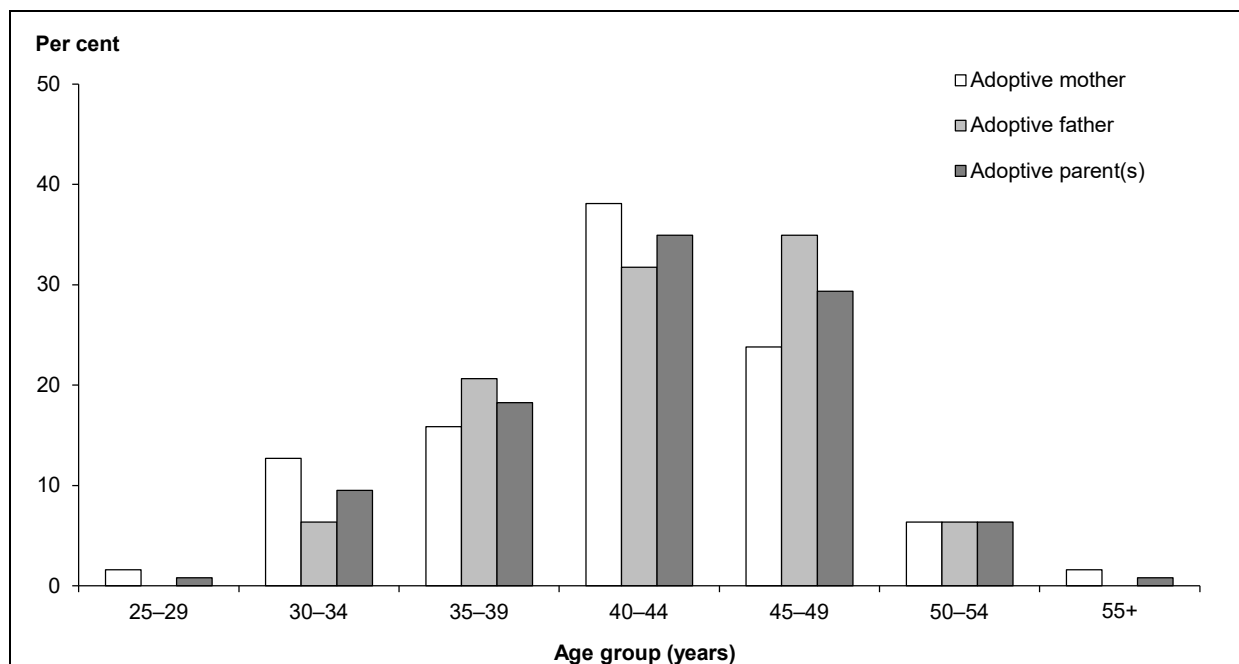


In 2017–18, the majority of the intercountry adoptions finalised were for single children (75%), but 16 children were adopted as part of 8 sibling groups—that is, a child and at least 1 of their siblings were adopted at the same time by the same family. For adoptions from countries where the Hague Convention was in force, 40% of adoptees were adopted as part of sibling groups. This was the case for 15% of adoptions from bilateral countries (Table S11).

## Characteristics of adoptive families

Adoptive parents tend to be older than parents of non-adopted children. Reasons for this include decisions about postponed childbearing, exploration of alternatives in relation to family formation including possible time spent pursuing fertility treatments, and often lengthy processing times in intercountry adoption. Further, countries of origin may specify age requirements for adoptive parents as part of an intercountry adoption program, as well as requirements about the length of time applicants need to have been in a relationship with one another (IAA 2018b).

In 2017–18, of all adoptive parents who were part of a finalised intercountry adoption, 71% were aged 40 and over and less than 2% were aged under 30 (Figure 3.5).



Source: Table S14.

**Figure 3.5: Intercountry adoptions, by age group of adoptive parent(s), 2017–18**

Apart from additional flexibility in relation to the adoption of children with special needs, few intercountry programs allowed applications from single people, with many programs requiring prospective adoptive parents to have been in a registered marriage for a set period. For example, in 2017–18, South Korea required applicants to have been married for a minimum of 3 years. In addition, while all jurisdictions in Australia allowed de facto and same-sex couples to apply to adopt, most of Australia's partner countries during 2017–18 did not accept applications from de facto couples, and only Colombia and South Africa allowed same-sex couples to apply (IAA 2018b).

In 2017–18, nearly all intercountry adoptees (97%) became part of families where the adoptive parents were in a registered marriage (Table 3.4). Three per cent of all intercountry adoptions were by a de facto couple and no intercountry adoptions were finalised for single adoptive parents.

**Table 3.4: Intercountry adoptions, by type of adoption and marital status of the adoptive parent(s), 2017–18**

Marital status of the adoptive parent(s)	Hague adoption		Bilateral adoption		All intercountry adoptions	
	Number	%	Number	%	Number	%
Registered married couple	23	92.0	40	100.0	63	96.9
De facto couple	2	8.0	—	..	2	3.1
Single person <sup>(a)</sup>	—	..	—	..	—	..
Total	25	100.0	40	100.0	65	100.0

(a) May include widowed parents.

Source: AIHW Adoptions Australia data collection.

In 2017–18, just under half (47%) of the children with a finalised intercountry adoption were adopted into families with no other children, and a further 29% were adopted into families with other adopted children only (Table 3.5). This excludes adoptions for New South Wales, for which data were not available. As with marital status and the age of adoptive parents, some countries of origin had specific eligibility criteria in place that directly affected these proportions—such as infertility requirements or restrictions on family size (IAA 2018b).

**Table 3.5: Intercountry adoptions, by type of adoption and composition of the adoptive family, 2017–18<sup>(a)</sup>**

Composition of the adoptive family	Hague adoption		Bilateral adoption		All intercountry adoptions	
	Number	%	Number	%	Number	%
No other children	12	63.2	9	34.6	21	46.7
Biological children only	—	..	3	11.5	3	6.7
Adopted children only	4	21.1	9	34.6	13	28.9
Biological and adopted children	3	15.8	5	19.2	8	17.8
<b>Total</b>	<b>19</b>	<b>100.0</b>	<b>26</b>	<b>100.0</b>	<b>45</b>	<b>100.0</b>

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

Source: AIHW Adoptions Australia data collection.

## Administration of Hague adoptions

Of the 25 adoptions finalised from countries where the Hague Convention was in force, 21 children entered Australia under guardianship orders and then had their adoption orders finalised in Australia. Of these 21 children, 86% were from the Philippines and Thailand and 14% were from Chile. The remaining 4 children entered Australia under a full adoption order made in their country of origin (Table S13).

## Visa and citizenship applications

In 2017–18, data from the HA indicated that 30 adoption-specific visas were issued for intercountry adoptees who had previously had an adoption arranged by an Australian state or territory authority (Table S6). However, not all of the children who were issued with visas in 2017–18 would have had their adoption order finalised during this period. It is also possible that some of these visas may reflect intercountry known child adoptions that are generally excluded from intercountry and finalised adoption numbers presented elsewhere in this report.

Intercountry adoptees can also enter Australia by a citizenship pathway. On 25 February 2015, amendments to the *Australian Citizenship Act 2007* began. The amendments enable children adopted from South Korea and Taiwan to apply immediately for Australian citizenship once the adoption process is complete in their country of origin, and (after the granting of citizenship) travel to Australia as Australian citizens. Over time, in instances where the adoption is arranged by an Australian state or territory authority, this change may result in a decrease in the number of adoption visas issued for children adopted from South Korea and Taiwan. In 2017–18, data from HA indicated that 59 applications for Australian citizenship for children adopted under full Hague Convention or bilateral arrangements were approved (AIHW Adoptions Australia data collection).

## Expatriate adoptions

Expatriate adoptions, as defined in this report, occur when an Australian citizen or Australian permanent visa holder living abroad adopts a child through an overseas agency or government authority. Australian adoption authorities are not responsible for facilitating expatriate adoptions, and do not assess or approve applicants for such adoptions. In order to enter Australia, the child must apply for, and be granted, an adoption-specific visa. This means that Australia's involvement in such adoptions is limited to HA assessing whether or not the expatriate adoption meets the relevant visa requirements for entry of the child into Australia.

One of these visa requirements is that at least 1 of the adoptive parents must have been living abroad for at least 12 months prior to any visa application being lodged with HA, and they must have proven that they were not living overseas to bypass the legal requirements for the entry of adopted children into Australia. The adoptive parents must also have lawfully acquired full and permanent parental rights in adopting the child. In 2017–18, data from HA indicated that 92 adoption-specific visas were issued for children who were adopted under an expatriate adoption process (Table S6). Visas for this type of adoption were issued from 24 countries, compared with 28 countries in 2016–17 (AIHW Adoptions Australia data collection).

Approximately two-fifths (41%) of these adoptions occurred in countries with which Australia has an existing intercountry adoption program. A further 5% involved countries where Australia's intercountry adoption program had been officially closed by the Australian government at least 12 months prior to 1 July 2017 and about 1 in 2 (49%) involved countries with which Australia has never had a formal adoption program (Table 3.6).

**Table 3.6: Adoption-specific visas issued to Australian expatriates (Subclass 102, statistical code 156), by the program status of countries of adoptee citizenship, 2017–18**

Program status	Number	%
Open program	38	41.3
On hold/inactive program	<5	..
Closed program	5	5.4
No previous program	45	48.9
Stateless/unknown	<5	..
<b>Total</b>	<b>92</b>	<b>100.0</b>

*Note:* For this table the status of a program in the reporting period prior to the one in which the visa was issued is used to classify the program against the categories above. For example, for visas issued in 2017–18, a country is classified based on the status/existence of an Australian adoption program during 2016–17.

*Source:* Department of Home Affairs data collection.

### 3.3 Local adoptions

In 2017–18, 32 local adoptions were finalised, comprising 10% of all adoptions (Figure 3.1; Table 3.7). This denotes a decrease from the previous year when 42 local adoptions were finalised (Table S15). Due to the small number of local adoptions nationally, changes at the national, and state and territory level should be interpreted with caution.

**Table 3.7: Local adoptions, by state and territory, 2017–18**

State/territory	Number	%
New South Wales	8	25.0
Victoria	12	37.5
Queensland	7	21.9
Western Australia	2	6.3
South Australia	1	3.1
Tasmania	2	6.3
Australian Capital Territory	—	..
Northern Territory	—	..
<b>Australia</b>	<b>32</b>	<b>100.0</b>

Source: AIHW Adoptions Australia data collection.

#### Characteristics of adopted children

Local adoptions were finalised for more males than females in 2017–18 (20 and 12, respectively) (Table S2), and 4 children were adopted as part of 2 sibling group adoptions (Table S11).

All local adoptees in 2017–18 were aged under 5, with 28% of infants under 12 months old at the time of placement (Table S2)—a substantially higher percentage of infants than for both intercountry adoptions and known child adoptions. Infants comprised only 6% of finalised intercountry adoptions and no infants were adopted as part of known child adoptions. For a more detailed discussion of trends, see ‘Trends in categories of adoptions’ in Section 4.1.

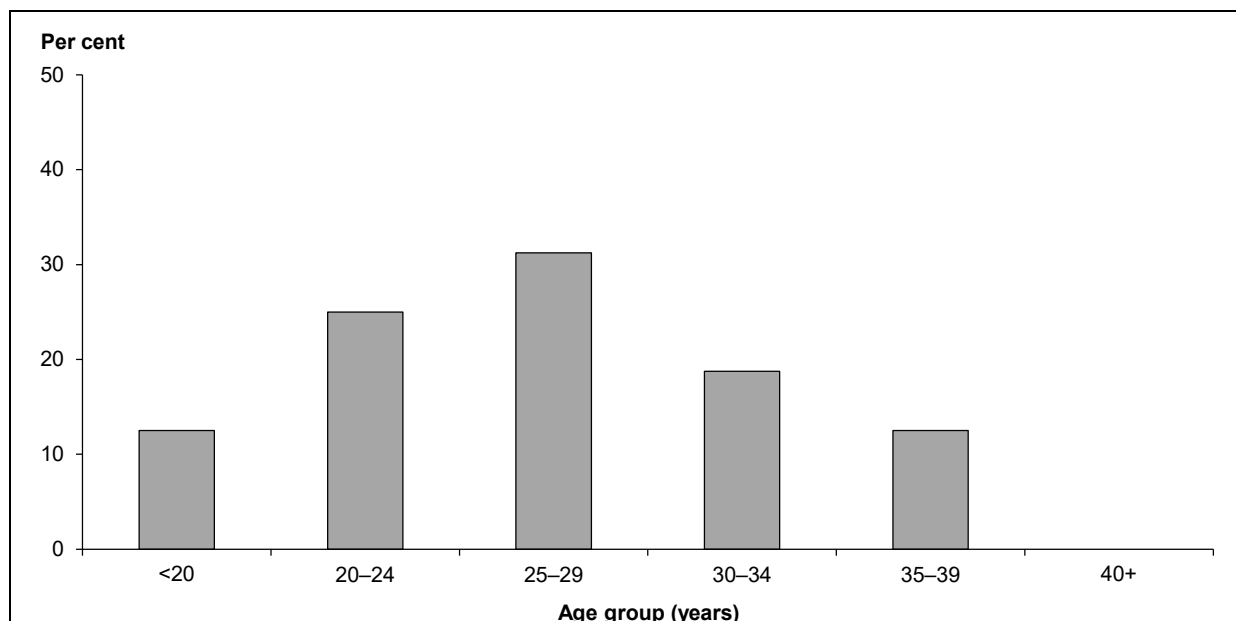
#### Characteristics of birth mothers

While national data on birth mothers were not available for intercountry adoptees, due to the difficulties faced by countries of origin in obtaining this information (see ‘Limitations of existing data’ in the DQS at <http://meteor.aihw.gov.au/content/index.phtml/itemId/707571>), data were available in 2017–18 on the mothers of Australian children who were part of a local adoption. These data provide valuable information on some demographic differences between these mothers and adoptive parents.

The median age of mothers of children with a finalised local adoption in 2017–18 was 27 at the time of the child’s birth, with ages ranging from 13 to 39. This represented a decrease from the median age recorded in 2016–17 (Table S16). It was also younger than the median age of all mothers giving birth in Australia, which was 31 in 2015 (ABS 2016).

Sixty-nine per cent of the mothers of children in local adoptions were aged under 30 (Table S17; Figure 3.6) and a large percentage were not in a registered marriage (88%) (Table S18).





Source: Table S17.

**Figure 3.6: Local adoptions, by age group of birth mother, 2017–18**

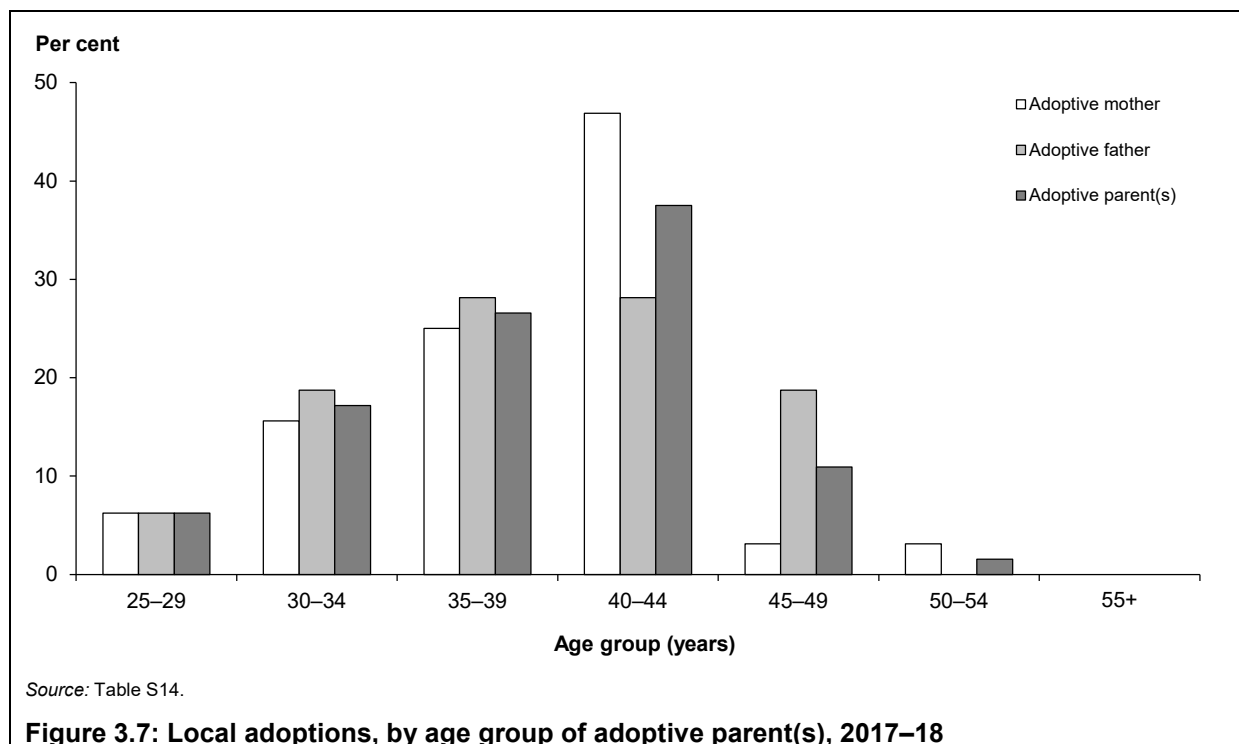
## Characteristics of adoptive families

Unlike the mothers of children with a finalised local adoption in 2017–18, all of the adoptive parents involved in local adoptions in 2017–18 were in a registered marriage (AIHW Adoptions Australia data collection).

Local adoptive parents were also generally older than the mothers of adoptees, with almost all (94%) local adoptive parents aged 30 or over. However, local adoptive parents were younger than those who had adopted through intercountry adoption—while 50% of parents in local adoptions were aged 40 and over (Figure 3.7), nearly 3 in 4 (71%) of those in finalised intercountry adoptions were aged 40 and over (Table S14).

Although eligibility criteria set by local adoption authorities in Australia are generally less restrictive than those set by agencies in countries with which Australia had an intercountry adoption program, it is likely that these criteria still influenced the proportions reported above. Specifications in place before 2017–18 on the length of time couples needed to have been in a married or de facto relationship, and an increasing tendency for couples to postpone having children and entering into these relationships later in life, would have influenced the data presented in this section (Mills et al. 2011).

Further, while married, de facto and same-sex couples were eligible to become adoptive parents in all jurisdictions, restrictions still applied for single persons wanting to adopt. The circumstances under which single people could apply to adopt varied for each state and territory; however, most accepted such applicants only under special circumstances—such as an adoption of a child with special needs where the single applicant has special skills needed to parent the child (for example, expertise in working with children with a disability, or nursing). In Victoria, single applicants were not allowed to apply to adopt (see Appendix A:A.1).



The most common family composition among adoptive families in 2017–18 was to have no other children in the family. Two-fifths (42%) of local adoptees in 2017–18 were adopted into families with no other children. Families with both biological and adopted children were the least common (excluding adoptions for New South Wales, for which these data were not available) (Table 3.8).

**Table 3.8: Local adoptions, by composition of the adoptive family, 2017–18**

Composition of the adoptive family	Number	%
No other children in the family	10	41.7
Biological children only	4	16.7
Adopted children only	9	37.5
Both biological and adopted children	1	4.2
Unknown	—	..
Other	—	..
<b>Total<sup>(a)</sup></b>	<b>24</b>	<b>100.0</b>

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

Source: AIHW Adoptions Australia data collection.

## Administration of local adoptions

Legislation governing local adoptions in states and territories requires that, in most instances, consent for adoption be received from both parents. Dispensation of consent is usually provided by the relevant court in each state/territory only when the parent(s) are unable to give consent themselves. For 56% of local adoptions finalised in 2017–18, consent for the adoption was given by the mother only. For 31%, both parents provided consent for the adoption. In 6% of cases consent of both parents was either dispensed with or not required (Table 3.9).

**Table 3.9: Local adoptions, by type of consent, 2017–18**

Type of consent given	Number	%
From mother only <sup>(a)</sup>	18	56.3
From father only <sup>(b)</sup>	2	6.3
From both parents	10	31.3
Both parents' consent dispensed/not required	2	6.3
<b>Total</b>	<b>32</b>	<b>100.0</b>

(a) Father's consent dispensed/not required.

(b) Mother's consent dispensed/not required.

Source: AIHW Adoptions Australia data collection.

Agreements made at the time of adoption indicated that the majority (94%) of local adoptions finalised in 2017–18 could be considered 'open'—that is, parties to an adoption agreed to allow a degree of contact or information exchange to occur between families (Table 3.10).

National data on the type of agreement for contact or information exchange for local adoptions commenced in 1998–99 when the local adoption category was introduced. From 1998–99 to 2017–18, open adoption arrangements were consistently the most common form of agreement—generally present in over 80% of local adoptions finalised in each year (Table S19). This reflects the change in local adoption practices from the closed practice where files were sealed and parties to the adoption had no contact with each other, to a more open practice that can involve access to information and contact between the parties.

**Table 3.10: Local adoptions, by type of agreement, 2017–18**

Type of agreement	Number	%
Contact and information exchange	19	59.4
Contact only	—	..
Information exchange only	11	34.4
No contact or information exchange	2	6.3
<b>Total</b>	<b>32</b>	<b>100.0</b>

Source: AIHW Adoptions Australia data collection.

Three in four (74%) local adoptions finalised in 2017–18 were arranged by a relevant state or territory government department (Table S20), an increase on the previous year (62%) (AIHW 2017). The remainder (25%) were arranged by a non-government organisation.

### 3.4 Known child adoptions

In 2017–18, 233 known child adoptions were finalised (Table 3.11)—an increase of 14% on the previous year (Table S21). In previous years, as the overall number of adoptions continued to fall, known child adoptions represented an increasing percentage of all adoptions—65% in 2016–17, compared with 54% in 2015–16 and 52% in 2014–15 (tables S1 and S21). This trend continued in 2017–18 when known child adoptions made up 71% of all adoptions. In fact, despite numbers declining in the other types of adoption, the number of known child adoptions rose sufficiently to increase the overall number of adoptions finalised in 2017–18.

**Table 3.11: Known child adoptions, by state and territory, 2017–18**

State/territory	Number <sup>(a)</sup>	%
New South Wales	186	79.8
Victoria	3	1.3
Queensland	5	2.1
Western Australia	25	10.7
South Australia	—	..
Tasmania	4	1.7
Australian Capital Territory	5	2.1
Northern Territory	5	2.1
<b>Australia</b>	<b>233</b>	<b>100.0</b>

(a) Number of adoptions includes children aged 18 and over (see Table S21).

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

Source: AIHW Adoptions Australia data collection.

In 2017–18, 63% of known child adoptions finalised were by carers (such as foster parents); this was down from 70% in 2016–17 (tables 3.12 and S23). The majority of known child adoptions by carers (142 of the 147) occurred in New South Wales, as they did in 2016–17 (131 of 143) (AIHW Adoptions Australia data collection). This reflects New South Wales policies which have promoted adoption to achieve stability for children under the long-term care of state child protective services when family restoration was not considered appropriate.

**Table 3.12: Known child adoptions, by relationship of adoptive parent(s), 2017–18**

Relationship of the adoptive parent(s)	Number <sup>(a)</sup>	%
Carer	147	63.1
Step-parent	76	32.6
Relative <sup>(b)</sup>	9	3.9
Other	1	0.4
<b>Total</b>	<b>233</b>	<b>100.0</b>

(a) Includes 42 children aged 18 and over (Table S22).

(b) Includes relatives other than step-parents.

Note: See Glossary for definitions of the adoption categories.

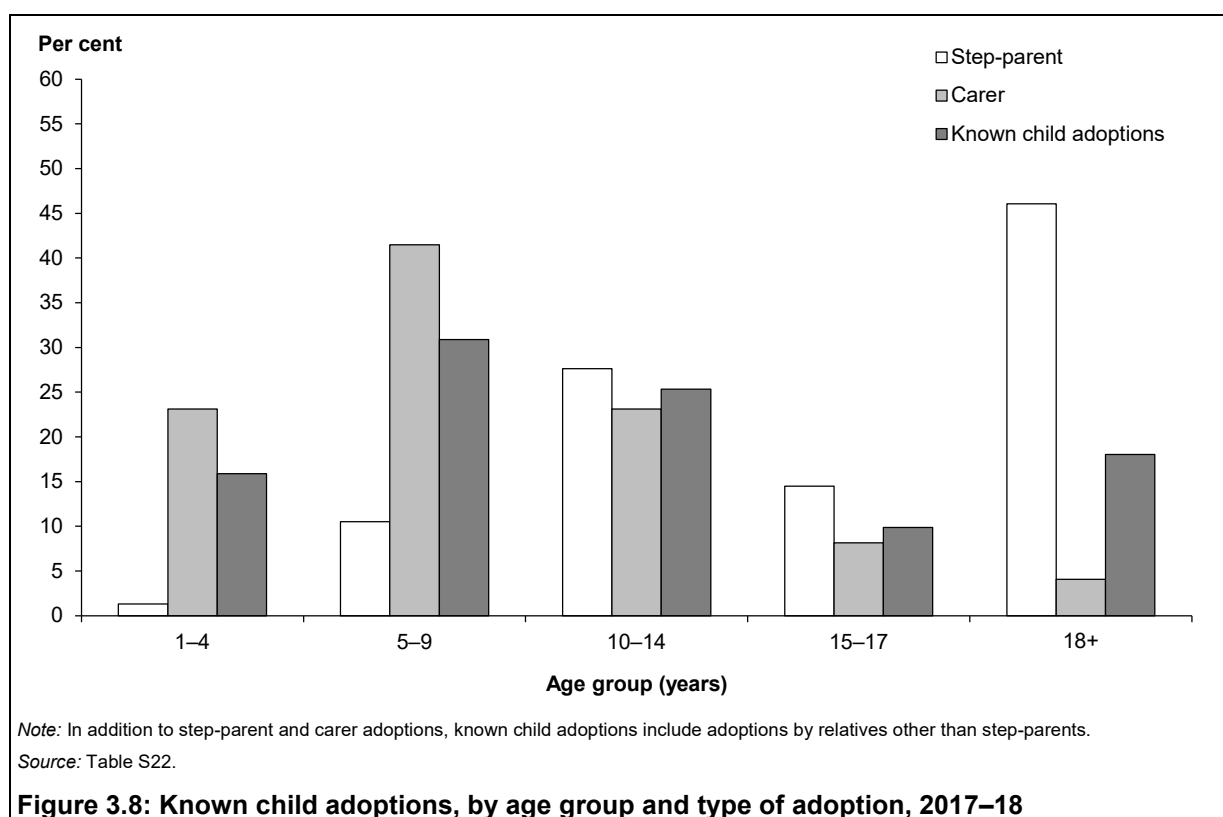
Source: AIHW Adoptions Australia data collection.

## Characteristics of adopted children

Differing from intercountry and local adoptions, more females than males were the subjects of finalised known child adoptions in 2017–18 (123 to 110, respectively). Although numbers were generally even across age groups, there were comparatively more females than males aged 10 and over (Table S2).

Australian children in known child adoptions were generally older than children in local or intercountry adoptions, with the difference being more pronounced in 2017–18 than in the previous year. In 2017–18, 1 in 2 (53%) known child adoptees were aged 10 and over, an increase from 2016–17 (42%). In comparison, there were no children in local adoptions aged 10 and over and only 3% of intercountry adoptees were in this age group (Table S2). Children aged under 5 comprised 16% of known child adoptions compared to all local adoptions and 65% of intercountry adoptions (Table S2; Figure 3.8).

The older age of children in known child adoptions was affected by minimum age requirements for some types of known child adoptions and, in many jurisdictions, the length of time the intended adoptive parent(s) needed to have had a relationship with the child before an adoption was possible (see Appendix A:A.1). The percentage of adoptions by step-parents (33% of known child adoptions finalised in 2017–18) also influences the older age of children in the known child adoption category (Table S23). Children adopted by step-parents are generally older than those adopted under other types of adoption, including other categories of known child adoption, in part due to the additional time involved in forming step-families. Of the known child adoptions finalised in 2017–18, 88% of the children in step-parent adoptions were aged 10 and over, compared with 35% of children in carer adoptions (Table S22; Figure 3.8).



**Figure 3.8: Known child adoptions, by age group and type of adoption, 2017–18**

Data on sibling adoptions were collected for known child adoptions by carers in 2017–18. These data showed that, of the 147 carer adoptions, about 2 in 5 (37%) adoptees were part of a sibling group—this was proportionally more sibling adoptions than intercountry and local adoptions during the period. In total, 55 adoptees were adopted as part of 25 sibling groups. That is, 1 child and at least 1 of their siblings were adopted into the same family at the same time.

## Characteristics of carer (known child) adoptive families

The marital status of people involved in known child adoptions by carers varied considerably compared with intercountry and local adoptions. Although a majority of adoptive parents involved in carer adoptions were in a registered marriage (82%), adoptive parents who were in de facto couples or single persons were more likely than in intercountry or local adoptions. Compared with intercountry and local adoptions—where no single persons adopted in either adoption category in 2017–18—12% of those who were involved in carer adoptions were single (Table 3.13).

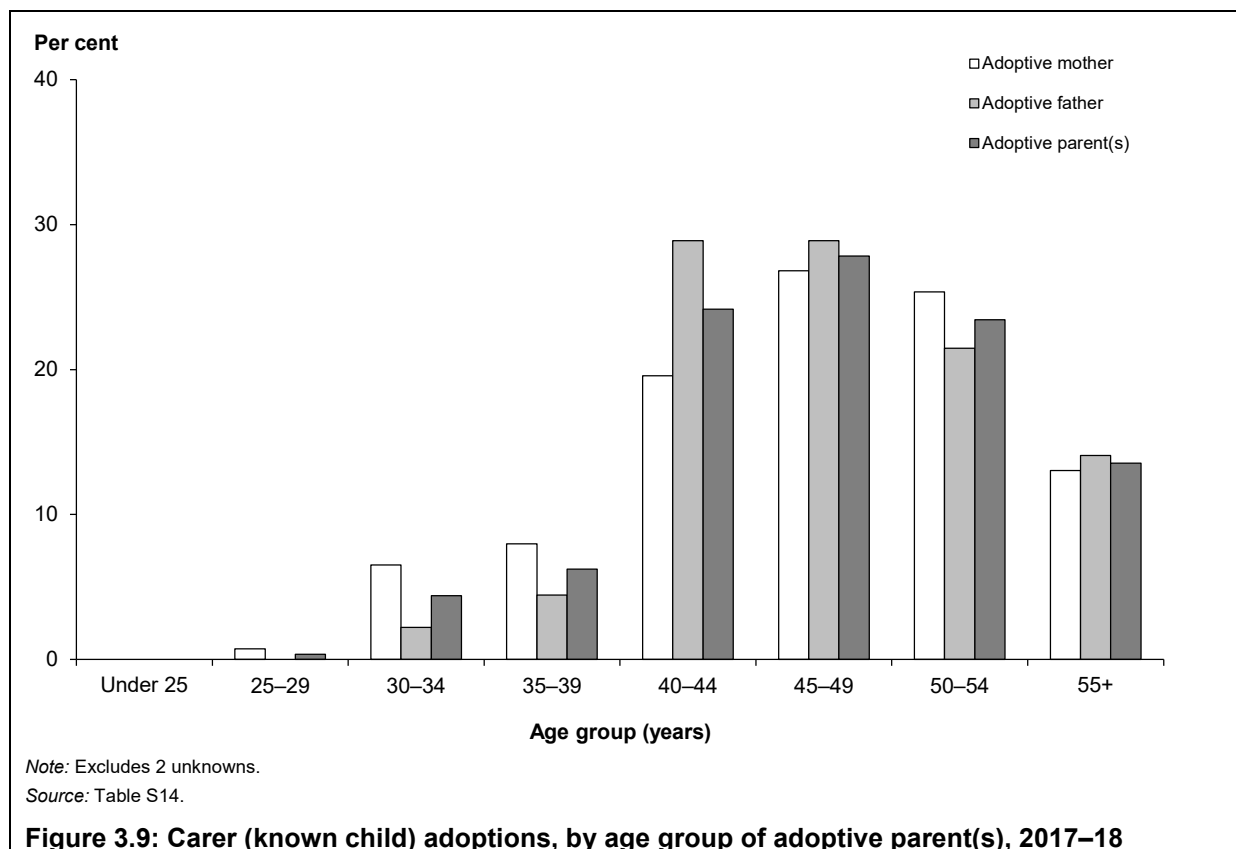
**Table 3.13: Carer (known child) adoptions, by marital status of the adoptive parent(s), 2017–18**

Marital status of the adoptive parent(s)	Number	%
Registered married couple	120	81.6
De facto couple	8	5.4
Single person <sup>(a)</sup>	17	11.6
Unknown	2	1.4
<b>Total</b>	<b>147</b>	<b>100.0</b>

(a) May include widowed parents.

Source: AIHW Adoptions Australia data collection.

Compared to the age of adoptive parents involved in either intercountry or local adoptions, carers who became the adoptive parent(s) of a known child in their care tended to be much older. Less than 10% of adoptive parents in intercountry (7%) and local (2%) adoptions were aged 50 and over compared with more than 1 in 3 (37%) of those in finalised carer adoptions (Table S14; Figure 3.9).



### 3.5 Access to information

There have been substantial changes since the 1980s to the Australian adoption laws that govern the way information about an adoption can be accessed, starting with the *Adoption Act 1984* in Victoria. Changes in Australian adoption procedures paralleled a shift in social attitudes—from adoptions being seen as providing a service for adults, to the wellbeing of children being paramount.

In 2017–18, all states and territories had legislation that granted certain information rights to adopted people 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 varied among the jurisdictions (see Appendix A:A.2).

#### Information applications

All states and territories had adoption information services, or information and contact registers (or other similar systems) in place in 2017–18; however, the requirements for accessing information about a past adoption differed for each jurisdiction (see Appendix A:A.3). Depending on the legislation of the relevant jurisdiction, parties to an adoption could apply for access to identifying or non-identifying information. Identifying information identifies the person about whom the information is being sought—such as the original birth certificate or the amended birth certificate. Non-identifying information does not identify the person about whom the information is sought, and can include the age of birth parent(s) and place of birth.

The number and distribution of applications in 2017–18 was broadly consistent with the previous year. There were 2,627 information applications made—86% of these for identifying information. Almost three-quarters (71%) of identifying information applications were made by adoptees, and 8% were made by birth parents. Adoptees made 30% of non-identifying information applications and 48% by other birth relatives. Most adoptees seeking information were aged 35 or over (91%), with more female adoptees lodging information applications than males (54% and 46%, respectively) (tables 3.14 and 3.15).



**Table 3.14: Number of information applications lodged, by person lodging application, and information type, 2017–18**

Person lodging the application	Australia	%
<b>Identifying information</b>		
Adoptee	1,615	71.2
Adoptive mother	28	1.2
Adoptive father	7	0.3
Birth mother	151	6.7
Birth father	32	1.4
Other birth relative(s)	113	5.0
Other adoptive relative(s)	30	1.3
Child of adoptee	279	12.3
Unknown	12	0.5
<b>Total</b>	<b>2,267</b>	<b>100.0</b>
<b>Non-identifying information</b>		
Adoptee	108	30.0
Adoptive mother	3	0.8
Adoptive father	2	0.6
Birth mother	14	3.9
Birth father	5	1.4
Other birth relative(s)	172	47.8
Other adoptive relative(s)	14	3.9
Child of adoptee	41	11.4
Unknown	1	0.3
<b>Total</b>	<b>360</b>	<b>100.0</b>

*Notes*

1. Percentages may not add to 100 due to rounding.
2. Data predominantly relate to applicants who are party to a local adoption. Very few applicants are party to an intercountry adoption.

*Source:* AIHW Adoptions Australia data collection.

**Table 3.15: Adult adoptees who lodged information applications, by Indigenous status, age group and sex of applicant, 2017–18**

Age group (years)	Indigenous Australians			Other Australians			Total			%
	M	F	P	M	F	P	M	F	P	
18–19	—	—	—	2	4	6	2	4	6	0.5
20–24	—	—	—	10	14	24	10	14	24	2.2
25–34	—	—	—	27	43	70	27	43	70	6.3
35–44	4	4	8	70	76	146	74	80	154	13.9
45+	17	31	48	376	428	804	393	459	852	77.0
<b>Total</b>	<b>21</b>	<b>35</b>	<b>56</b>	<b>485</b>	<b>565</b>	<b>1,050</b>	<b>506</b>	<b>600</b>	<b>1,106</b>	<b>100.0</b>
<b>%</b>	<b>37.5</b>	<b>62.5</b>	<b>100.0</b>	<b>46.2</b>	<b>53.8</b>	<b>100.0</b>	<b>45.8</b>	<b>54.2</b>	<b>100.0</b>	<b>100.0</b>

*Notes*

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

Source: AIHW Adoptions Australia data collection.

## Contact and identifying information vetoes

In some cases, a party to an adoption might wish to block contact or access to information by another party to the adoption. Two types of vetoes existed in Australia during 2017–18—identifying information vetoes and contact vetoes; however, access to each veto type varied across states and territories. Identifying information vetoes are used when a party to an adoption requests that identifying information not be released to any other party to the adoption. Contact vetoes are used to create a legal requirement for a person receiving identifying information not to contact the other party. A contact veto can be lodged even if information about an adoption is never requested. The person who lodges a contact or information veto can lift the veto (see Appendix A:A.3). In some states and territories, vetoes are valid only for adoptions that occurred before a particular date, or last only a set amount of time before needing to be renewed.

The number of contact and identifying information vetoes lodged in 2017–18 was almost half the number lodged in the previous year (44 compared with 81, respectively) (Table 3.16). There were 8,609 contact and identifying information vetoes in place at 30 June 2018—a slight increase from the 8,603 in place at 30 June 2017 (Table 3.17).

**Table 3.16: Vetoes lodged, by person lodging veto, 2017–18**

Measure	Person lodging the veto							Total
	Adoptee	Adoptive mother	Adoptive father	Birth mother	Birth father	Other birth relative	Other adoptive relative	
Contact vetoes lodged								
Number	7	—	—	2	—	—	—	9
%	77.8	..	..	22.2	..	..	..	100.0
Identifying information vetoes lodged								
Number	24	—	—	10	1	—	—	35
%	68.6	..	..	28.6	2.9	..	..	100.0
Total								
Number	31	—	—	12	1	—	—	44
%	70.5	..	..	27.3	2.3	..	..	100.0

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

*Source:* AIHW Adoptions Australia data collection.

For both contact and identifying information vetoes lodged in 2017–18, and those in place at 30 June 2018, the majority were lodged by the adoptee (71% and 57%, respectively). Birth mothers were the next highest percentage to lodge vetoes or have vetoes in place (27% and 39%, respectively) (tables 3.16 and 3.17).

While the number of contact and information vetoes lodged each year has fluctuated between 44 and 139 in the past 10 years, generally, a larger number of vetoes were lodged in the past (359 in 1993–94). Likewise, fewer applications for information were lodged—2,627 in 2017–18 compared with 6,135 in 1993–94 (Table S24). In 2017–18, as in previous years, the number of applications for information far exceeded the number of vetoes lodged against contact or the release of identifying information—2,627 compared with 44, respectively (Table S24).

**Table 3.17: Number of vetoes in place at 30 June 2018, by person lodging veto and veto type**

Person lodging veto	Total	%
<b>Contact vetoes</b>		
Adoptee	4,413	54.4
Adoptive mother	217	2.7
Adoptive father	175	2.2
Birth mother	3,216	39.6
Birth father	81	1.0
Other birth relative(s)	7	0.1
Other adoptive relative(s)	2	—
<b>Total</b>	<b>8,111</b>	<b>100.0</b>
<b>Identifying information vetoes</b>		
Adoptee	291	58.4
Adoptive mother	31	6.2
Adoptive father	23	4.6
Birth mother	144	28.9
Birth father	7	1.4
Other birth relative(s)	—	..
Other adoptive relative(s)	2	0.4
<b>Total</b>	<b>498</b>	<b>100.0</b>

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

*Source:* AIHW Adoptions Australia data collection.

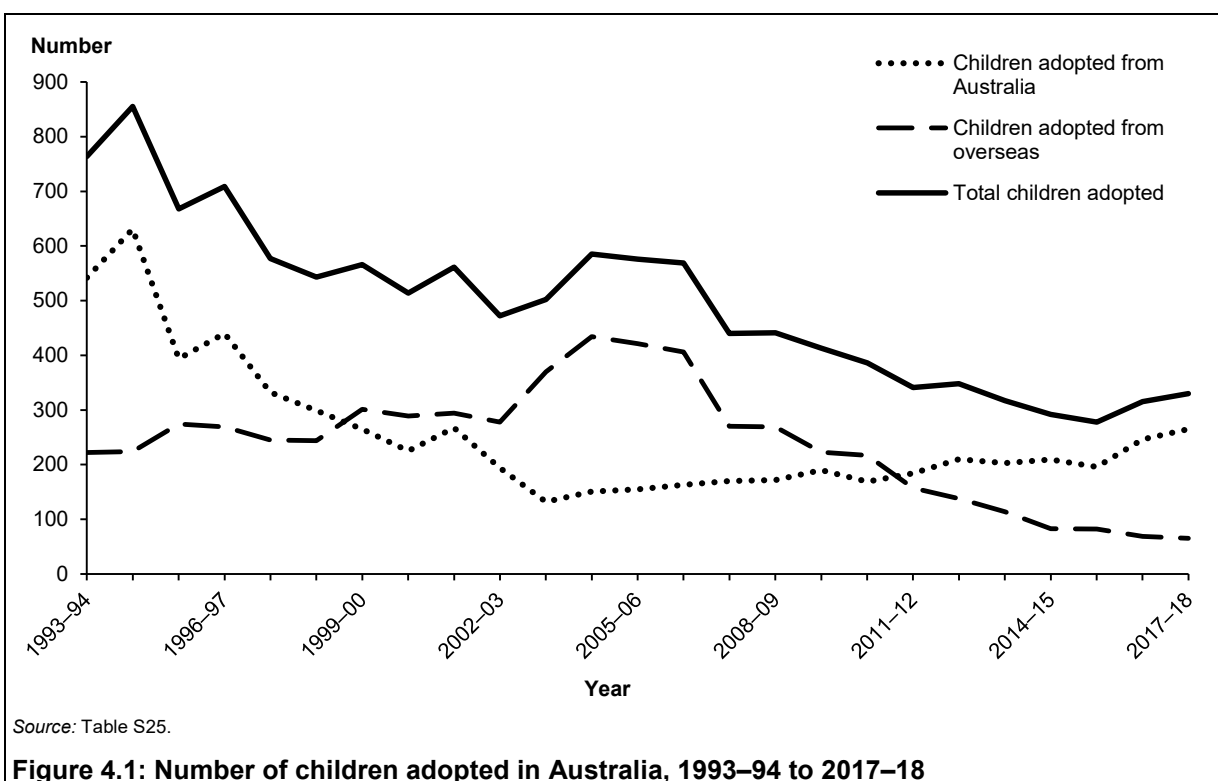
## 4 Trends in adoptions in Australia

### Key findings:

- Adoptions declined 57% over the past 25 years to 330 in 2017–18. The fall in intercountry adoptions was greater than the fall in Australian child adoptions (71% and 51%, respectively).
- From 2011–12 to 2017–18, the main country of origin for intercountry adoptions varied between the Philippines and Taiwan.
- Median waiting times for intercountry adoption remained below 3 years in 2017–18. Previously, waiting times had peaked at 64 months in 2014–15.
- The proportion of intercountry adoptions involving sibling groups increased substantially from 9% in 2008–09 to 25% in 2017–18.
- Of the 127 Indigenous child adoptions over the past 25 years, 46% were by Indigenous Australians.

This chapter presents trend data for adoptions in Australia. Where possible, 25 years of data—back to 1993–94—are presented. Trend analyses over extended periods (such as those included in this chapter) can provide more robust and meaningful insights than analyses of change over shorter periods, due to the small number of annual adoptions.

The number of finalised adoptions in Australia has continued to fall over the past 25 years. In 1993–94, 764 adoptions were finalised; by 2007–08, this had fallen to 440 and then to a low of 278 by 2015–16. After 2015–16, the number began to rise slightly, with 330 adoptions finalised in 2017–18. Despite 2 consecutive years of growth, an overall decline of 57% has occurred since 1993–94, with a 25% decline over the last decade (Table S25; Figure 4.1).



As shown in Figure 4.1, the fall in the overall number of adoptions in 2002–03 was primarily driven by the falling number of adopted Australian children (comprising local and known child adoptions). Between 1994–95 and 2003–04, the number of adoptions of Australian children each year fell from a high point of 631 to 132—a 79% decline. Since its lowest point in 2003–04, the combined total for local and known child adoptions slowly increased before plateauing around 2012–13 at about 200 such adoptions. This number rose in 2016–17 to 248 and continued to rise in 2017–18 when 265 finalised adoptions of Australian children occurred. While the 265 adoptions of Australian children in 2017–18 was an increase of 101% since 2003–04, overall, there was a decline of 57% over the 25-year period, and a decline of 58% from its highest point.

The fall in the number of adoptions of Australian children during this period can be attributed to changing views in Australian society that have altered the circumstances in which adoption might be considered appropriate. Social trends, such as declining fertility rates, the wider availability of effective birth control, increased support for single parents, and the emergence of family planning centres (ABS 2010) are likely to influence the number of Australian children in need of adoption.

Legislative changes introduced by state and territory departments over the past 25 years supporting a greater use of alternative legal orders also contribute to the decline. These orders, such as permanent care orders in Victoria that were introduced in 1992, transfer sole parental responsibility for 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 A:A.1). Similarly, in Western Australia, protection orders (special guardianship) provide for parental responsibility to an individual, or 2 individuals jointly, for a child until the child turns 18. Section 4.3 provides data on long-term orders used in Australia. However, commencing around 2012–13, where reunification with the family of origin is not appropriate, some jurisdictions have increased the focus on adoption as a possible means of creating stability for children under the long-term care of state and territory child protection services. This, in turn, has resulted in an increase in known child adoptions by carers (see Section 4.1)

During the 25-year period, a different trend is evident in the number of children adopted from overseas. After slowly rising from 222 in 1993–94, intercountry adoptions peaked at 434 in 2004–05. The number of finalised intercountry adoptions then began to fall steadily. The lowest number on record was recorded in 2017–18 when only 65 such adoptions occurred—representing the 13th consecutive year of decline. This was a substantial fall of 71% across the 25-year period, and a fall of 85% since the peak in 2004–05 (Table S25; Figure 4.1). In 2017–18, more Australian children had their adoption order finalised than children from overseas (excluding expatriate adoptions) (80% and 20%, respectively). This has been the case since 2011–12, which was the first time this had occurred in the period following 1998–99 (Table S25; Figure 4.1).

This trend was not unique to the Australian context; a two-thirds decline in intercountry adoption between 2004 and 2013 was also reported among other receiving countries (Mignot 2015). Economic and social changes that enable children to remain with their birth family or be adopted in their country of origin have contributed to the decline in intercountry adoptions. These changes reduced the number of children needing intercountry adoption, and led to countries of origin working to reduce or manage the number of adoption applications they received; for example, by introducing more stringent eligibility requirements, or quotas.

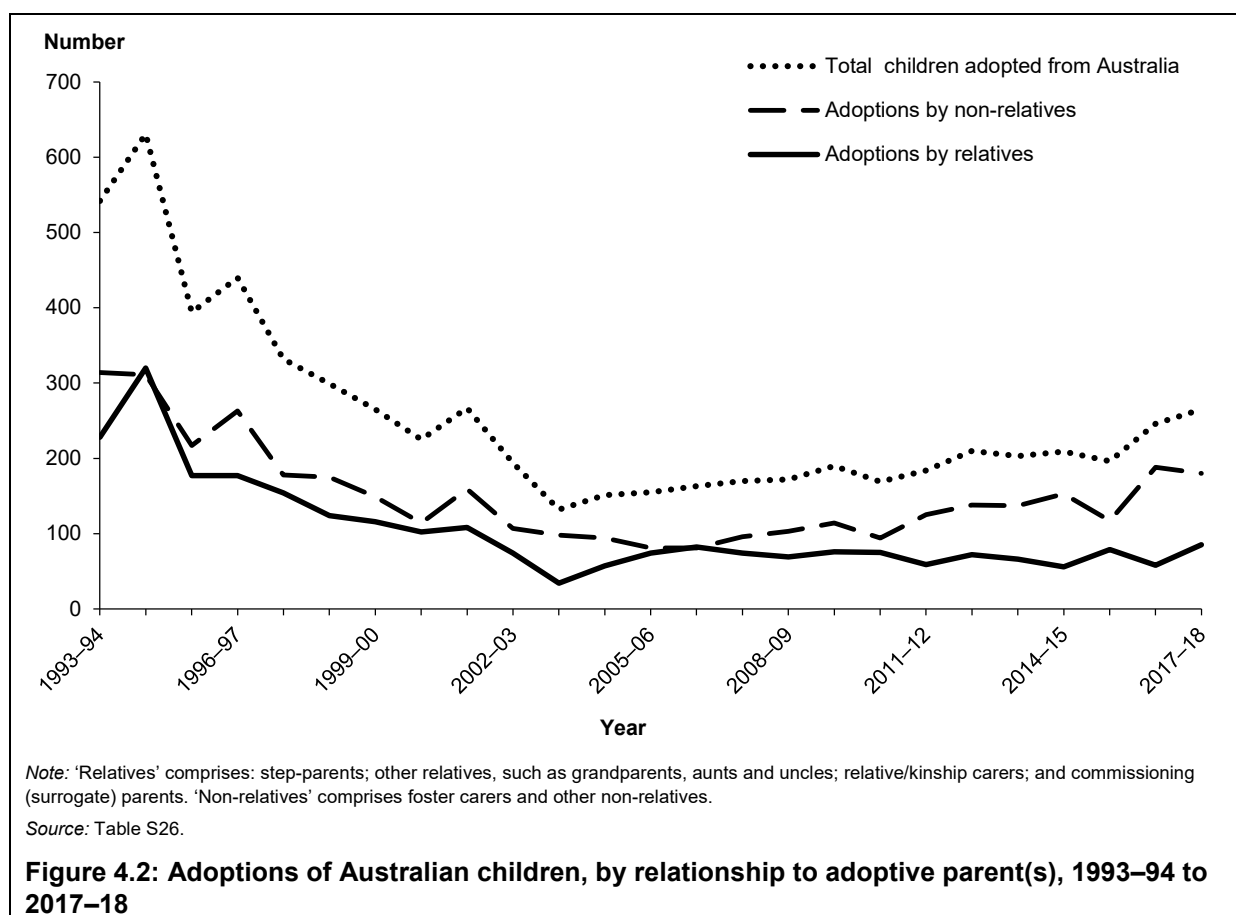
## 4.1 Trends in categories of adoptions

### Adoption of Australian children

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 report on trends in adoptions of Australian children over a longer period using categories of relative and non-relative adoptions. Overall, the number of finalised adoptions annually of Australian children has fallen since comparable national records began in 1981–82. In the 25-year period to 2017–18, the number fell from 542 in 1993–94 to 265 in 2017–18—a 51% decline (Table S26; Figure 4.2). With New South Wales unable to report on step-parent adoptions in 1993–94, this is likely to be an underestimation of the extent of decline during the period.

The number of finalised adoptions of Australian children fell to its lowest point of 132 in 2003–04. From 2004–05 to 2017–18, these adoptions slowly, and fairly consistently, increased, with a more marked rise between 2015–16 and 2017–18 (from 196 to 265) (Table S26; Figure 4.2). The main observable change from 2003–04 to 2017–18 was in New South Wales, with combined local and known child adoptions increasing from 49 to 194 during this period. In the remaining states and territories, numbers remained relatively stable during this time (tables S16 and S22).

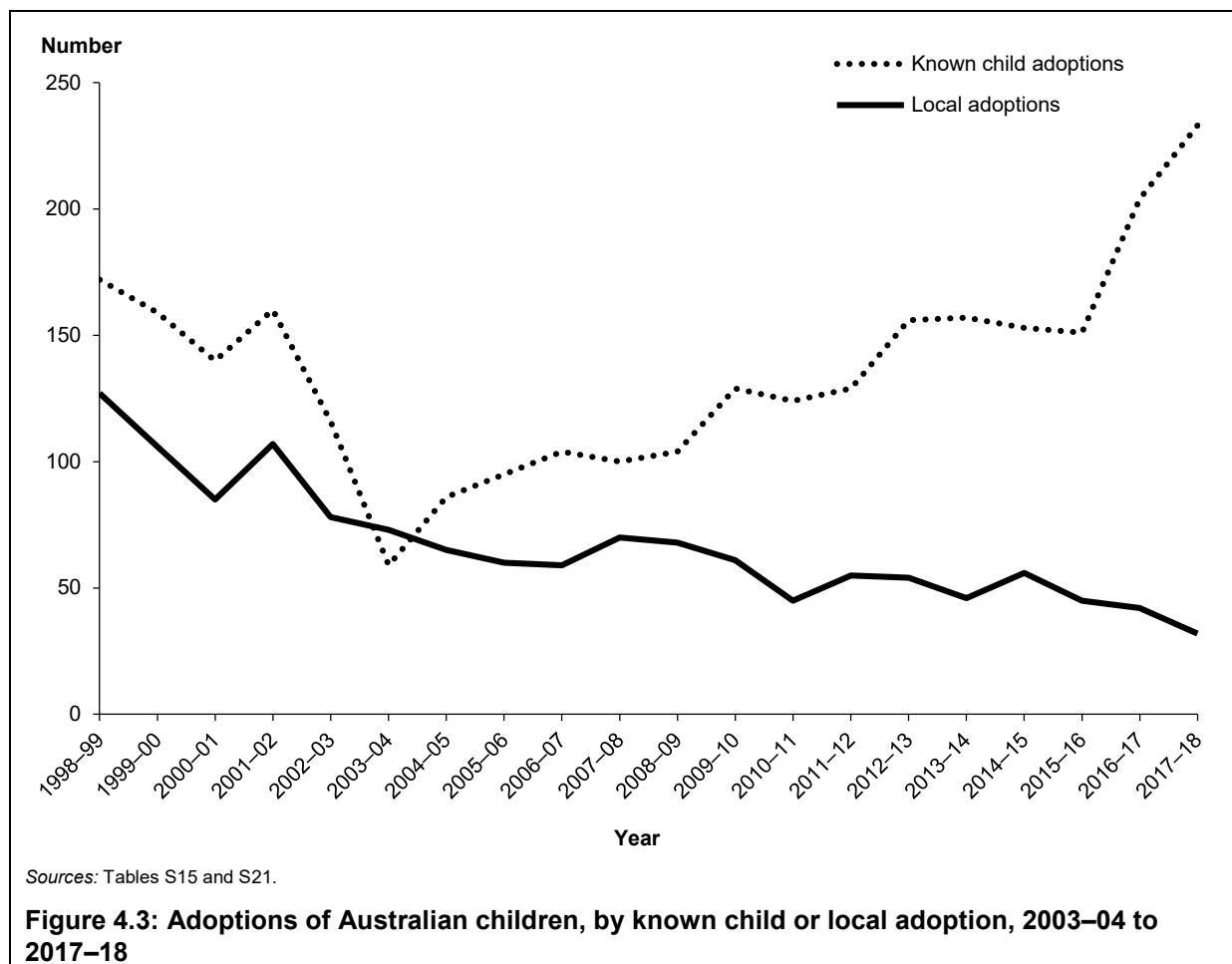
While the numbers of Australian children adopted by relatives and non-relatives decreased overall from 1993–94 to 2017–18 (63% and 43% declines, respectively), and proportions of each have fluctuated since the mid-1990s, the number of adoptions by non-relatives remained higher than adoptions by relatives in all but 2 of the 25 years. In 2017–18, non-relatives adopted 68% of Australian adoptees (Table S26; Figure 4.2). This trend reflects the increased use of parental responsibility orders (for example, the use of permanent care and guardianship/custody orders) in the period. These orders often replace the need for an adoption when a child is to be permanently cared for by a relative (see Section 4.3).



From 1998-99 to 2017-18, adoptions of Australian children can be explored by categories of known child adoptions and local adoptions. Between 2002-03 and 2015-16, step-parent adoptions accounted for 34% to 76% of known child adoptions. The increase in known child adoptions by carers towards the latter part of the 20-year period meant that the proportion of known child adoptions accounted for by step-parent adoptions declined. These adoptions accounted for only 33% of known child adoptions in 2017-18 (Table S23). In 2017-18, the number of known child adoptions by carers increased on the previous year (from 143 to 147) and accounted for 63% of finalised known child adoptions. This increase was due to carer adoptions in New South Wales rising from 131 to 142 (Table S23; AIHW 2017). The 147 carer adoptions in 2017-18 was the highest number of such adoptions on record. Between 1998-99 and 2016-17, an average of 53 carer adoptions had been finalised annually (AIHW Adoptions Australia data collection). Between 2008-09 and 2017-18, there was an increase in carer adoptions of 320% (Table S23).

The number of local adoptions gradually decreased over the 20-year period—from 127 in 1998-99 to 32 in 2017-18, with some fluctuations during this period. In contrast, despite initially falling, the number of known child adoptions has increased since 2003-04, with the sharp rise seen in 2016-17 continuing in 2017-18 (Figure 4.3).





## Adoption of children born overseas

In Australia, between 1999–00 and 2010–11, more intercountry adoptions were finalised each year than adoptions of children from Australia (local and known child adoptions combined). Between 1999–00 and 2004–05, the percentage of adoptions of children from overseas increased from 53% to 74%, with the highest number of intercountry adoptions in the period occurring in 2004–05 (434). The number of finalised intercountry adoptions then steadily decreased, with 2017–18 marking the 13th straight year of decline (Table S25).

Since 2008–09, an average of 142 intercountry adoptions have been finalised each year in Australia. At less than half this number, the 65 intercountry adoptions finalised in 2017–18 is indicative of the consistent long-term decline of such adoptions (Table S25). This decline occurred in most states and territories, although New South Wales and the Northern Territory reported small increases in 2017–18 on the previous year (Table S4).

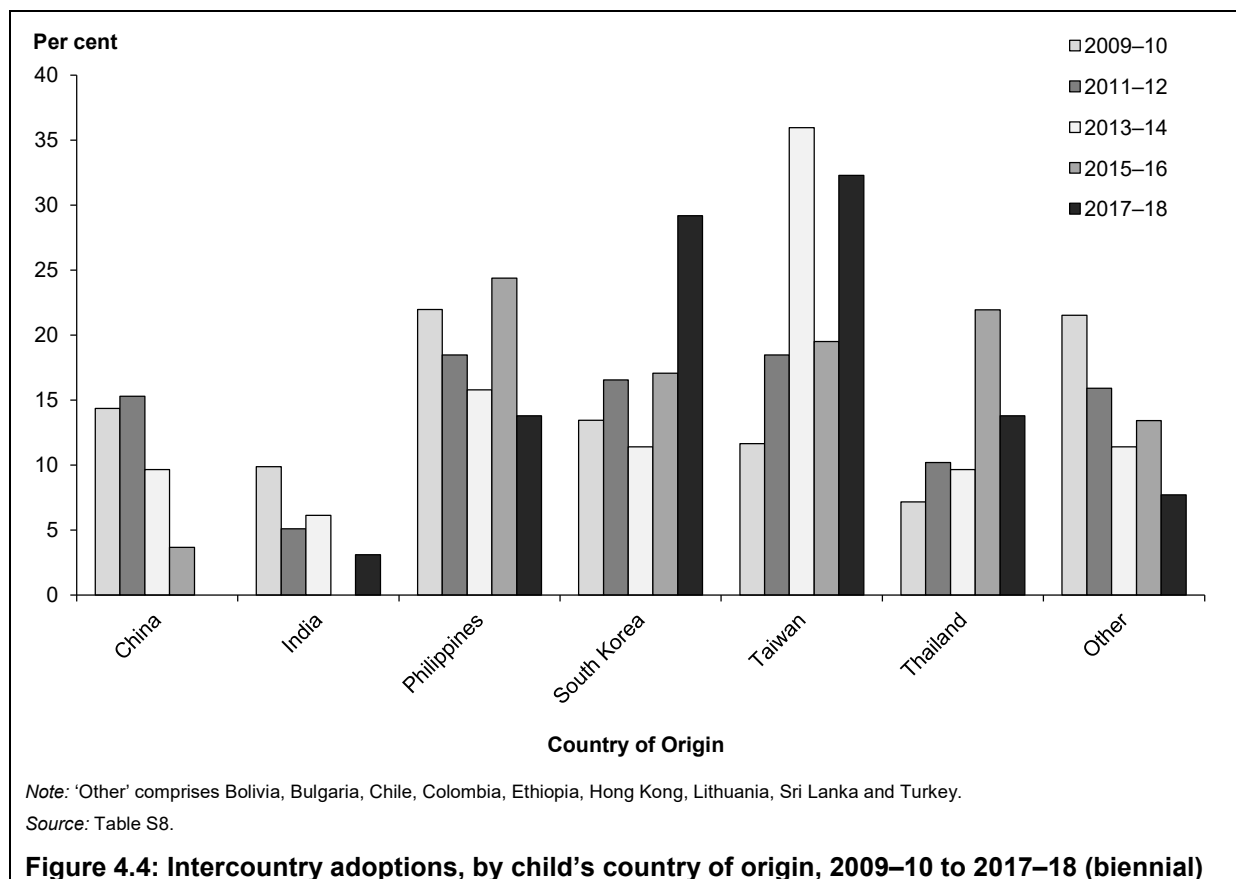
The trend seen in Australian intercountry adoption numbers is similar to corresponding global trends. A longitudinal study of 22 countries estimated that the global number of intercountry adoptions grew from 31,710 in 1998 to a peak of 45,288 in 2004 (Selman 2009). Numbers then fell by 36% between 2004 and 2010. This trend was consistent across most countries, but there were some exceptions, with numbers increasing in Canada and Italy to 2009 (and continuing to increase in 2010 in Italy). Since the mid-1980s, the United States of America had received about half of all international adoptions, but by 2009, more children were being adopted by citizens of European countries (Selman 2012, 2015).

The reasons for the decline are complex and varied. As traditional countries of origin improve in areas of economic and social development, options for domestic care also improve, and intercountry adoption has come to be considered a less desirable option for children, particularly children without health problems or impairments. In the contemporary intercountry adoption environment, those children considered to be in need of intercountry adoption generally include older children, sibling groups, and children with disabilities, developmental delays or complex medical and social backgrounds (PM&C 2014). As a result, eligibility criteria for adopting young, healthy children imposed by overseas countries have become more stringent, leading to some families no longer being able to adopt or, if eligible, experiencing long waiting times.

Variations in the intercountry programs also contribute to changes in intercountry adoption trends. Australia's programs with Bolivia and Fiji are currently on hold. Australia's program with India had also been on hold, but in August 2018 it was indicated that the program would be reactivated on a small scale. Further, Australia's program with Lithuania has been inactive due to Lithuanian requirements, and the program with Ethiopia closed on 28 June 2012 (DSS 2017). Some countries of origin, such as Thailand and the Philippines, have restricted the number of applications they accept to help manage the large numbers of applications on their waiting lists. Others, such as Colombia, began accepting intercountry applications only for older children, sibling groups or children with special needs (with some exceptions for applicants with Colombian heritage). South Korea placed limits on the number of exit permits issued for children approved for intercountry adoption. This had the effect of reducing the number of adoptions finalised from South Korea, although, from 2015–16, numbers began to increase (IAA 2018b).

## **Country of origin**

Due to the changes noted above, the number and proportion of finalised intercountry adoptions that can be attributed to particular countries of origin each year have fluctuated, and the main country of origin has changed over time. For example, since 2007–08, the main country of origin has varied between China, the Philippines and Taiwan (Table S8). The proportion of adoptions from China declined substantially in that time, from 23% to no adoptions occurring in 2017–18. Despite some fluctuations, the proportion of adoptions from India also declined, from 10% in 2007–08 to no adoptions occurring in 2016–17, as a result of the 2010 hold on sending new adoption applications to India. Proportions for Taiwan, Thailand and South Korea increased overall—Thailand from 7% to 14%, Taiwan from 8% to 32% and South Korea from 17% to 29% (see 'Asian countries of origin' below, for further information). The proportion of children being adopted from the Philippines decreased from 26% in 2016–17 to 14% in 2017–18 (Table S8; Figure 4.4).

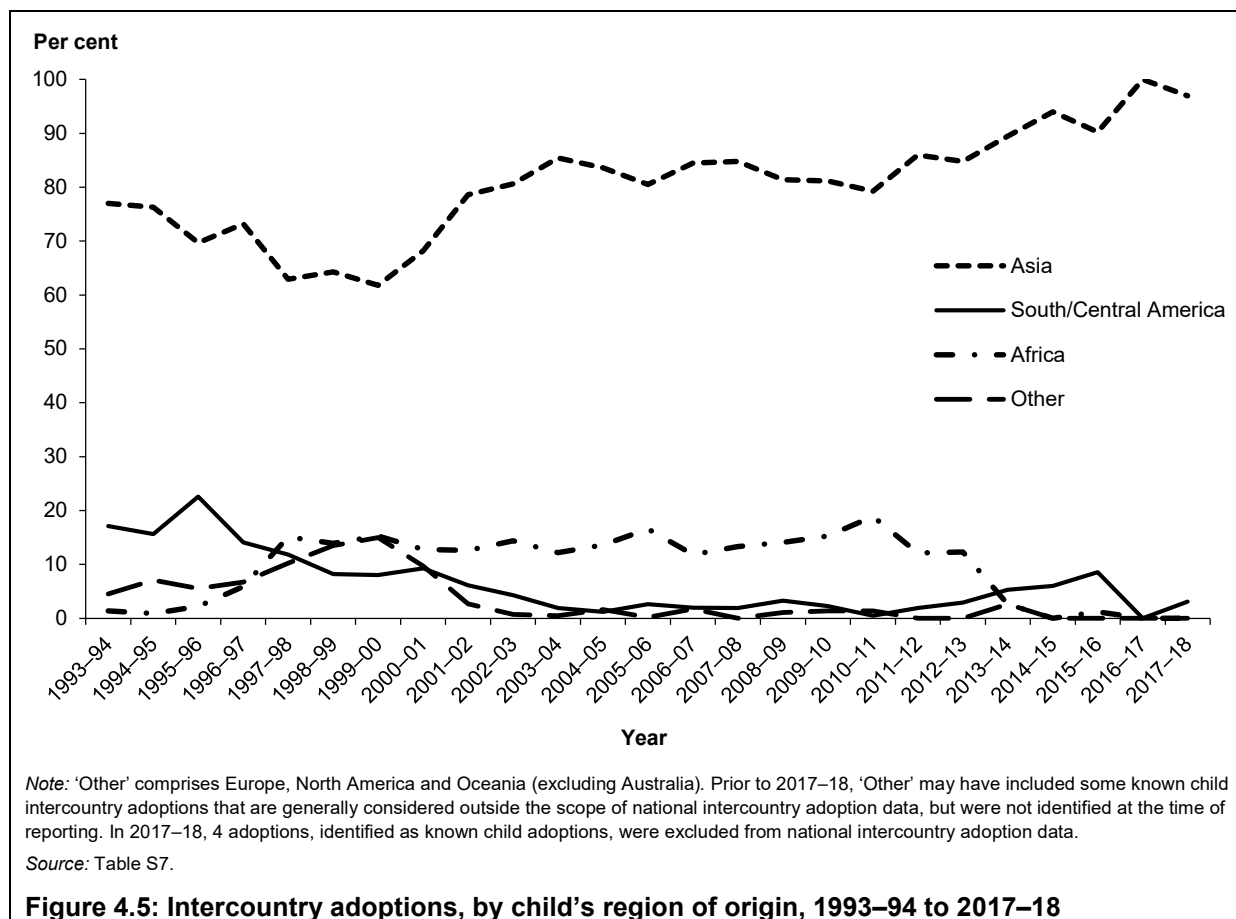


The majority of intercountry adoptions in Australia have consistently been from Asia, in line with global adoption trends. In 2017-18, 97% of finalised intercountry adoptions in Australia were from Asian countries.

With respect to other regions, in the Australian context, the proportions of children adopted from Africa and South/Central America have changed considerably (Figure 4.5). Since 2016-17, no adoptions from Africa have been finalised (Table S7). This is a marked change from 2010-11 when 19% of finalised adoptions came from African nations (Table S6; Figure 4.5), directly attributable to changes in the number of adoptions from Ethiopia, where the adoption program closed in 2012. After peaking at 70 in 2005-06, finalised adoptions from Ethiopia declined to 3 in 2013-14, and no adoptions through Australian authorities occurred after this period (AIHW 2014; AIHW Adoptions Australia data collection).

The percentage of children adopted from South/Central American countries declined from the mid-1990s—from 12% of all intercountry adoptions in 1997-98 to less than 1% in 2010-11. The number of finalised adoptions from South/Central America had been increasing since 2010-11 due to the adoption of children from Colombia and Chile in recent years; however, only 3 such adoptions were recorded in 2017-18 (Table S7; Figure 4.5).

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



## Processing times

The median length of time for the entire intercountry adoption process—from when applicants in Australia became official clients of departments to when the child was placed—steadily increased from 37 months (or just over 3 years) in 2007-08 to 64 months (more than 5 years) in 2014-15. There was a drop for 2 consecutive years to a 10-year low of 33 months in 2016-17 before a slight increase to 35 months in 2017-18 (Table 4.1).

The processing time between when applicants became official clients of departments to when an approval decision was made about their eligibility to adopt has remained largely consistent since 2007-08, varying between 8 and 12 months (9 months in 2017-18). The time from when an approval decision was made to when the file was sent overseas has varied between 2 and 6 months over the same period (2 months in 2017-18). The time between the file being sent overseas and a child being allocated, while historically consistently the longest period in the recorded processes, dropped considerably in the same period, from a high point of 37 months in 2012-13 to 9 months in 2017-18 (Table 4.1)—although the median time for Taiwan and Thailand remained high (12 and 24 months, respectively) (Table 3.3).

**Table 4.1: Median length of time for the intercountry adoption process, for children placed between 2008–09 and 2017–18 (months)<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 length of process <sup>(b)</sup>
2008–09	11	4	18	4	<b>42</b>
2009–10	10	3	18	5	<b>45</b>
2010–11	9	3	29	4	<b>49</b>
2011–12	8	4	30	5	<b>56</b>
2012–13	9	3	37	5	<b>61</b>
2013–14	9	6	27	6	<b>60</b>
2014–15	12	5	20	6	<b>64</b>
2015–16	10	5	12	7	<b>41</b>
2016–17	8	2	9	7	<b>33</b>
2017–18	9	2	9	8	<b>35</b>

(a) This table includes all children who were placed with their adoptive families from 2008–09 to 2017–18, by the length of time each process took before the child was placed.

(b) Total process is the overall median length of time in months from when the applicant(s) became official clients of the department to when the child was placed. It might not be equal to the sum of the preceding processes due to rounding to the nearest whole month, and because of the nature of median calculations.

Source: AIHW Adoptions Australia data collection.

## Influences on processing times

Several factors outside the control of Australian authorities can affect processing times, including the number and characteristics of children in need of intercountry adoption, the number of applications received and the resources of the overseas authority.

For example, Australia's partner countries generally have more applications from prospective adoptive parents willing to parent healthy younger children and infants than there are such children in need of intercountry adoption. In contrast, a growing proportion of children in need of intercountry adoption are considered to have special needs and more complex care requirements. The process for matching such a child with an appropriate carer can be more difficult than for children with less complex backgrounds, as there are relatively few prospective adoptive parents willing and able to provide suitable care for these children.

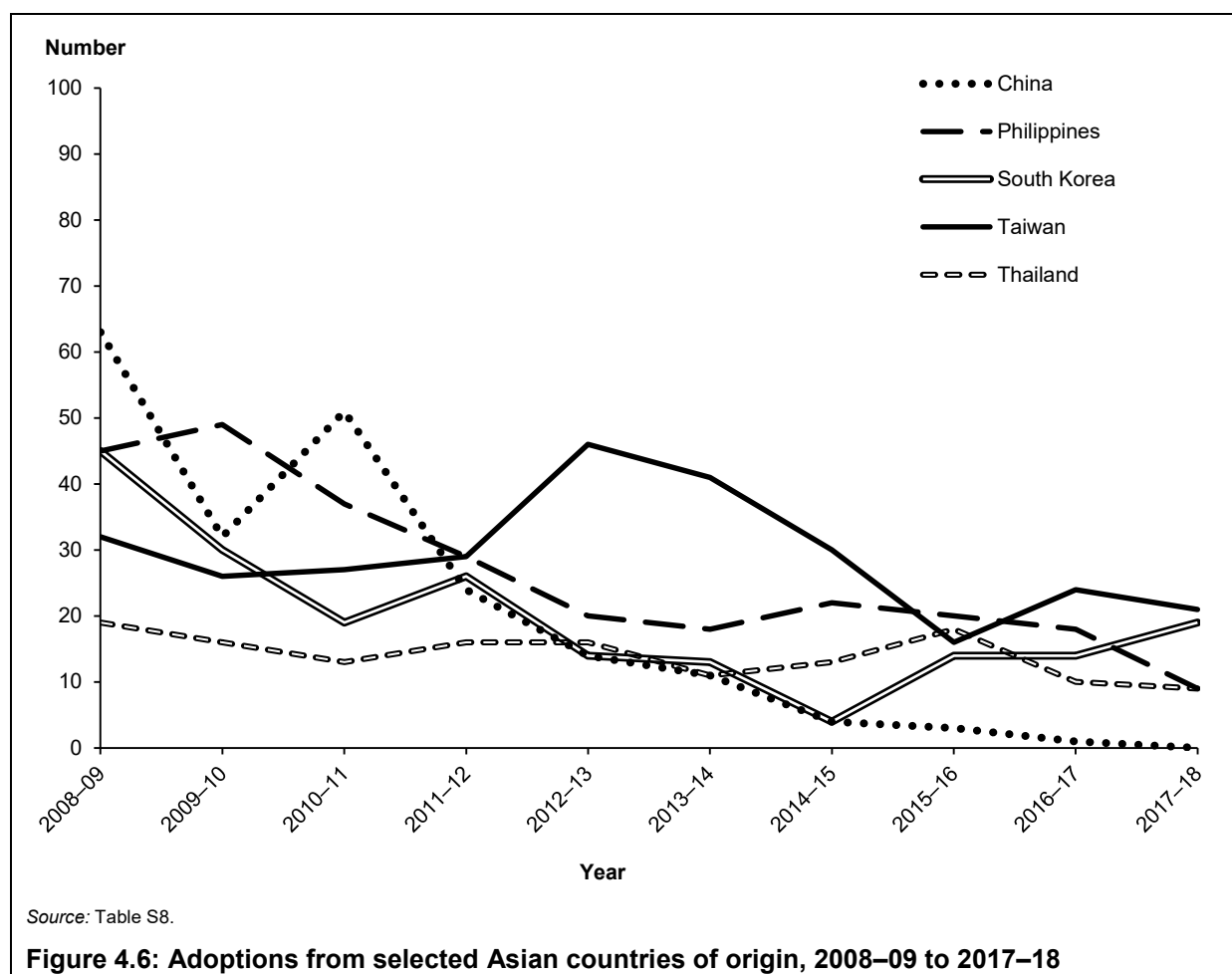
Several of Australia's partner countries have changed their intercountry adoption programs to meet this challenge. Some countries (such as China, Chile and the Philippines) have established separate programs specifically for special needs adoptions—including adoptions of older children and sibling groups—and might accept more applications for children in these programs than in their general programs. Countries have also adapted their eligibility criteria for prospective adoptive parents. Also, in several countries, the maximum age for applicants applying to adopt older children or those with special needs is higher than for those applying to adopt healthy children (for example, in China and Colombia) (IAA 2018b).

It is difficult to determine whether providing for a broader range of potential adoptive parents under special needs programs may be reducing processing times. The complex backgrounds of children in these programs and the increasing proportion of children in need of intercountry adoption that they represent suggest that applicants seeking only healthy infants might continue to face extended time frames before a child is matched with them.

## Asian countries of origin

There have been some notable changes among Asian countries of origin since the early 1990s. South Korea was the leading country of origin between 1991–92 and 2002–03. But after Australia signed a bilateral agreement with China in 1999, the number of annual finalised adoptions from China rose from 15 in 2000–01 to 140 in 2004–05 (AIHW 2010).

With the exception of 2009–10, China was the leading country of origin between 2003–04 and 2010–11. However, like South Korea, China 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 their own country. Since 2008–09, when 63 finalised adoptions from China were recorded, the number of children adopted from China dramatically declined, with no finalised adoptions recorded from China in 2017–18. Although the number of adoptions from South Korea fell from 45 in 2008–09 to 4 in 2014–15, adoptions from South Korea rose in 2015–16 (14) and again in 2017–18 (19) (Table S8; Figure 4.6).



Taiwan had been the leading country of origin between 2011–12 and 2014–15 (although it shared this position with the Philippines in 2011–12). In 2015–16, Taiwan dropped behind the Philippines and Thailand but became the main country of origin again in 2016–17, continuing this position in 2017–18. The number of adoptions from Taiwan rose from 22 in 2007–08 to 46 in 2012–13 before falling to 16 in 2015–16. In 2017–18, there were 21 adoptions from Taiwan finalised, a slight decrease from the 24 adoptions finalised in 2016–17, but still enough to make Taiwan the most common country of origin. The proportion of intercountry adoptees who came from Taiwan rose from 8% of finalised intercountry adoptions in 2007–08 to 32% in 2017–18.

(Table S8). The number of adoptions from the Philippines dropped substantially from 20 in 2012–13 to 9 in 2017–18, while Thailand fell from 18 in 2015–16 to 9 in 2017–18 (Table S8; Figure 4.6).

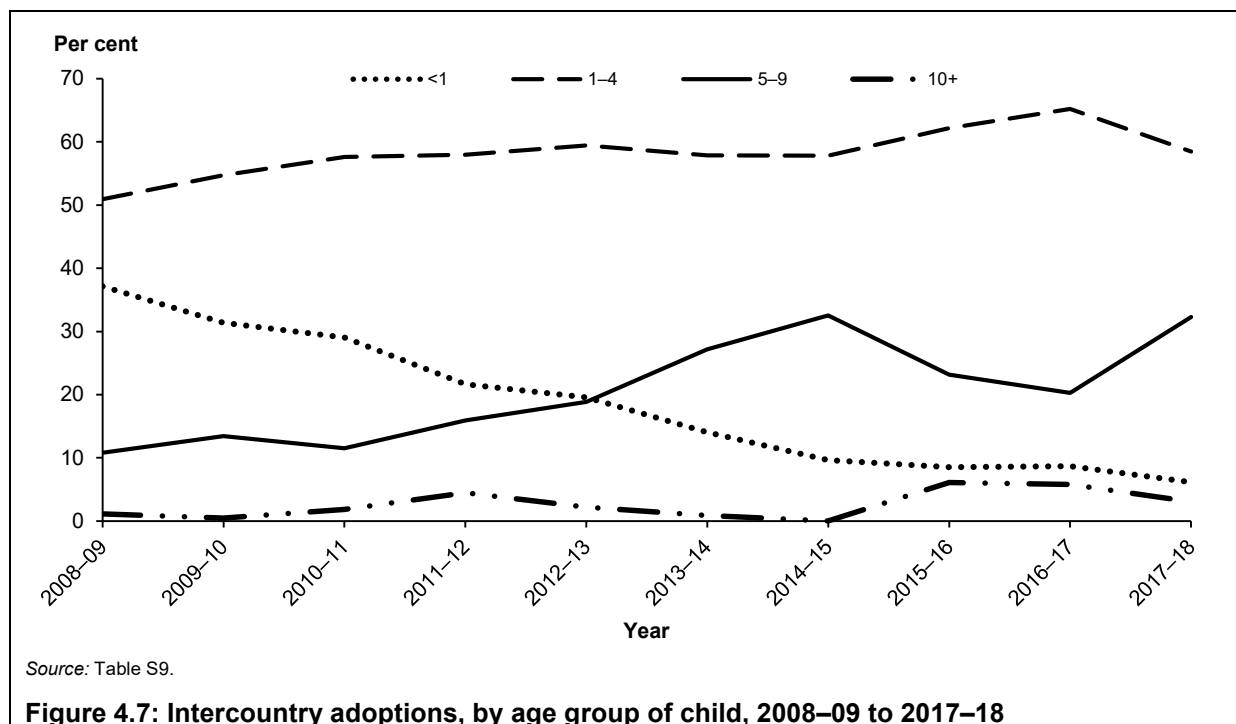
### **Infants and older children**

In 2017–18, the median processing time for infants (that is, children aged under 1) was higher than for any other age group. With all infants placed in 2017–18 coming from Taiwan, this change can be attributed to the longer median processing times for adoptions from Taiwan, compared with most other countries in 2017–18. With the exception of in 2010–11 and 2017–18, median processing times for infants have been consistently shorter than for all other age groups since 2008–09. In contrast to previous years, during 2017–18, median processing times decreased as age group increased, ranging from 53 months for infants to 27 months for children aged 10 and over (AIHW Adoptions Australia data collection).

The proportion of intercountry adoptees to Australia who were infants substantially declined from 37% in 2008–09 to 6% in 2017–18 (Table S9; Figure 4.7). Several factors have contributed to this trend. For example, the number of infants for whom intercountry adoption is considered appropriate can be affected by changing overseas domestic adoption practices, and the degree of acceptance of single motherhood in countries of origin. Falling fertility rates in key countries of origin, such as South Korea, are also likely to affect the number of infants needing adoption (Kenny et al. 2012; Selman 2009).

In turn, the relative proportion of adoptees aged 5–9 has increased. In 2008–09, this age group comprised 11% of all intercountry adoptions. This percentage increased to 32% in 2017–18, almost equivalent to its highest point of 33% in 2014–15. The proportions of adoptees aged 1–4 and 10 and over have also increased in recent years, although 2017–18 saw a slight decrease in those proportions (Figure 4.7; Table S9).

Finding a suitable adoptive family can be more difficult for older children (Tan et al. 2007). As noted earlier, many prospective adoptive parents are seeking a younger child, and some believe older children are more likely to have health and behavioural problems (Malm & Welti 2010; Zhang & Lee 2011). For older intercountry adoptees, these problems are often compounded by an extended history of deprivation, with many likely to have spent long periods in poor-quality institutional care. This more complex background can make it harder for these children to find an adoptive family in their country of origin capable of providing the long-term therapeutic and intensive parenting they require. As a result, older children represent a growing proportion of the children for whom intercountry adoption is deemed to be appropriate (Spark et al. 2008).

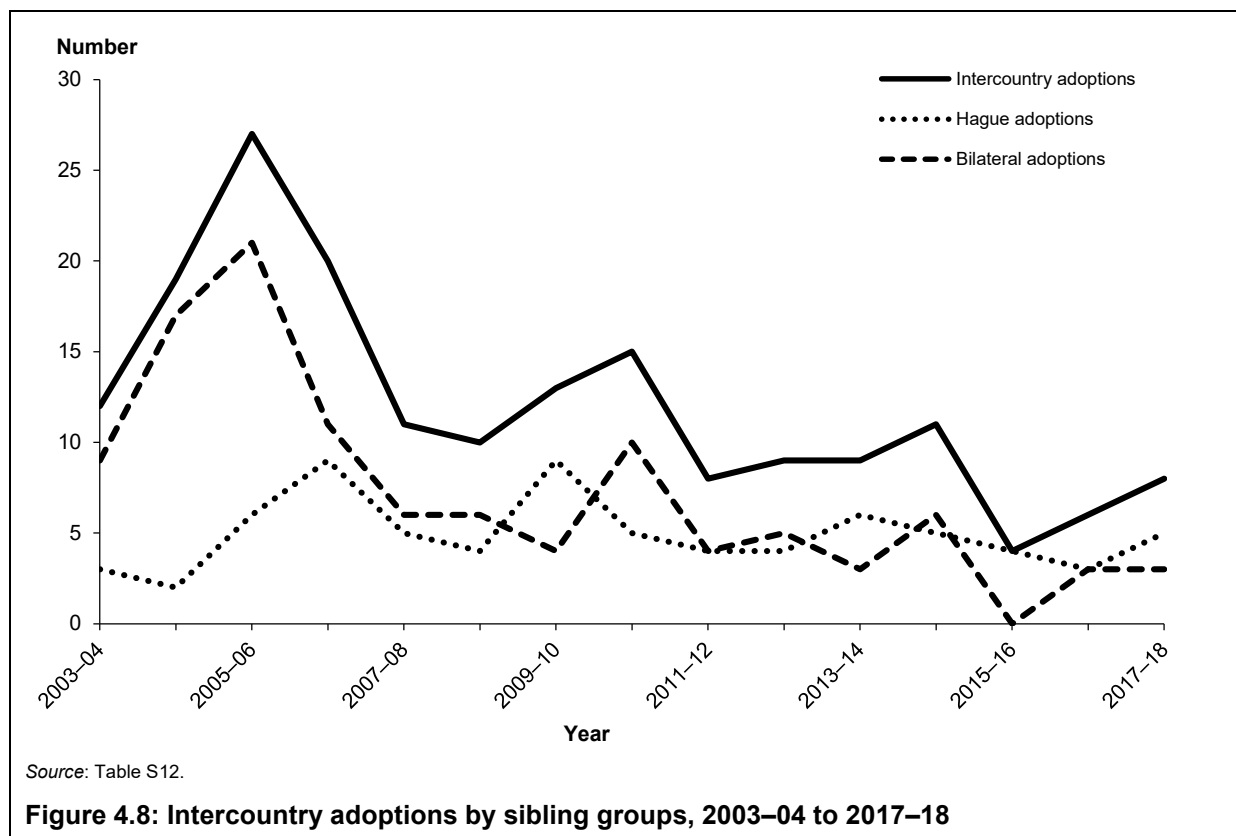


### Sibling adoptions

As noted previously, sibling groups represent a growing proportion of the children for whom intercountry adoption is still utilised as an option for creating permanent care arrangements (Mignot 2015). In general, the number of sibling group adoptions has decreased; however, the proportion of children being adopted as part of a sibling group has increased.

In 2005-06, 27 sibling groups were adopted as part of an intercountry adoption. Since this time, the number of sibling groups adopted has fluctuated but generally decreased, with the lowest point occurring in 2015-16 with only 4 sibling groups adopted (Figure 4.8). The drop in sibling adoptions in 2015-16 was mostly due to the drop in such adoptions from countries which have a bilateral agreement with Australia (from 6 in 2014-15 to nil in 2015-16). Since 2015-16, the overall number of sibling adoptions has increased, with a total of 8 sibling adoptions occurring in 2017-18.





Despite a fall in the number of intercountry sibling adoptions since 2003–04, as overall intercountry adoption numbers also fall the proportion of children adopted as part of a sibling group has increased. In 2008–09, children adopted as part of a sibling group comprised 9% of all intercountry adoptions; by 2017–18, 25% of all intercountry adoptees were part of a sibling group (Table S12).

### Living arrangements of overseas adoptees 12 months later

Although most local and intercountry adoptions are successful, a minority of children are returned to (or enter into) state care or are placed with new adoptive parents. When this happens after the child is placed in an adoptive home but before the adoption is legally finalised, it is called ‘disruption’. When it happens after the adoption is legally finalised, it is called ‘dissolution’ or ‘post-order disruption’. It is difficult to assess how often adoption dissolution or post-order disruption happens because, after the adoption is legally finalised, adoptees are generally no longer a readily identifiable group within the general population.

A recent study in the United Kingdom reported a rate of around 3% for post-order disruption in England and Wales (Wijedasa & Selwyn 2017). A number of factors were found to increase the risk of adoption arrangements breaking down. The study identified that the adolescent years posed the greatest risk to adoptions arrangement, with the risk of post-order disruption 10 times more for children aged 11 to 18 than for children under 4. The age of the adoptee at the time of placement was also a significant factor. Children older than 4 at the time of placement were 13 times more likely to experience post-order disruption than those placed as infants. Taking longer than a year to finalise an adoption after placement and adoptees with multiple care placement prior to adoption also increased the risk of post-order disruption occurring (Wijedasa & Selwyn 2017). Due to the lack of linkable adoptions data in the Australian context, comparative analyses are not possible (see ‘Limitations of existing data’ in the DQS at <http://meteor.aihw.gov.au/content/index.phtml/itemId/707571>).

Other adoption research suggests that disruptions are more common in adoptions involving risk factors, including:

- adoptions of children with special needs, such as older children and those with a history of physical or sexual abuse, deprivation and neglect, and those with emotional and behavioural problems
- failure to display a secure sense of attachment within the first 12–15 months
- parents having lack of prior foster care or adoption experience, limited or absent preparation, and access to only minimal information about the child's history (ChildONEurope 2007; Liao 2016; Niemann & Weiss 2012; Smith 2010).

In Australia, for intercountry adoptees, data are available on changes in living arrangements for adoptees only within the first 12 months following an adoption. These data provide an incomplete, but approximate, measure of the incidence of adoption disruption. The data show that almost all (96%) intercountry adoptees who were placed for adoption in 2016–17 were still with their adoptive families 12 months later (excluding those placed in Western Australia for whom data were not available) (AIHW Adoptions Australia data collection). A similar level of stability in intercountry adoption arrangements during the 12 months following placement can be seen since reporting on this measure began in 2011–12 (AIHW Adoptions Australia data collection).

## **4.2 Adoption of Aboriginal and Torres Strait Islander children**

The Aboriginal and Torres Strait Islander Child Placement Principle outlines a preference for placing Aboriginal and Torres Strait Islander children with Indigenous Australians when placed outside their family (Tilbury 2013), as long as it is in the best interests of the child.

All states and territories have adopted the placement principle in policy and practice. In New South Wales, Western Australia and Victoria, legislation allows the birth parents to specify the type of adoptive family they would like for their child.

The placement principle outlines a preference for Aboriginal or Torres Strait Islander children to be placed, giving the following order:

1. with the child's extended family
2. within the child's Indigenous community
3. with other Indigenous Australians.

Where these options are not available or appropriate, Indigenous children may be adopted by other families. The principle requires engagement with Indigenous people in adoption-related decision-making.

The number of Aboriginal and Torres Strait Islander children who are adopted each year is typically small; however, the number seen in 2017–18 was about twice the figure finalised in 2016–17. In 2017–18, 9 Indigenous children had adoption orders finalised in Australia. This was the third-highest number of finalised adoptions of Indigenous children in the 25-year period to 2017–18. Of these children, 1 was adopted by Indigenous Australians and 8 were adopted by other Australians (AIHW Adoptions Australia data collection).

Due to the small number of these adoptions each year, it is difficult to identify trends. Since 1993–94, 127 Indigenous children have been adopted, with 46% adopted by Indigenous Australians and 54% adopted by other Australians (Table 4.2).

**Table 4.2: Number of Indigenous children adopted, by Indigenous status of adoptive parent(s), 1993–94 to 1997–98 to 2013–14 to 2017–18**

Year	Indigenous status of adoptive parent(s)		Total
	Indigenous Australian	Other Australian	
1993–94 to 1997–98	24	19	43
1998–99 to 2002–03	6	11	17
2003–04 to 2007–08	13	7	20
2008–09 to 2012–13	11	12	23
2013–14 to 2017–18	4	20	24
<b>Total</b>	<b>58</b>	<b>69</b>	<b>127</b>
<b>%</b>	<b>45.7</b>	<b>54.3</b>	<b>100.0</b>

*Notes*

1. Adoptive parents are included in the 'Indigenous Australian' category when at least 1 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 adult adoptees.

*Source:* AIHW Adoptions Australia data collection.

Since 1993–94, 50 (39%) Indigenous children have been adopted through known child adoptions, and 77 (61%) through local adoptions. During this 25-year period, more than half (56%) of the local adoptions of Indigenous children involved at least 1 adoptive parent who identified as either Aboriginal or Torres Strait Islander. This was the case in 34% of known child adoptions of Indigenous children (see Table 4.3).

**Table 4.3: Number of Indigenous children adopted, by Indigenous status of adoptive parent(s) and type of adoption, 1993–94 to 1997–98 to 2013–14 to 2017–18**

Year	Indigenous status of adoptive parent(s)				Total
	Indigenous Australian		Other Australian		
	Known child	Local	Known child	Local	
1993–94 to 1997–98	3	21	0	19	43
1998–99 to 2002–03	2	4	5	6	17
2003–04 to 2007–08	5	8	2	5	20
2008–09 to 2012–13	6	5	10	2	23
2013–14 to 2017–18	1	5	16	2	24
<b>Total</b>	<b>17</b>	<b>43</b>	<b>33</b>	<b>34</b>	<b>127</b>

*Note:* Indigenous status of children and adoptive parent(s) is not always available for adult adoptees.

*Source:* AIHW Adoptions Australia data collection.

## 4.3 Alternatives to adoption

The importance of achieving permanency and stability for children and young people in out-of-home care has been widely recognised, and this has been reflected in jurisdictional changes in policy and legislation across Australia (AIHW 2016b). These changes have focused on early planning for permanency, including decisions about the appropriateness of reunification or alternative long-term care arrangements. Alternative arrangements include known child adoptions by carers, and care and protection orders that transfer guardianship and custody to carers.

Third-party parental responsibility orders transfer all duties, powers, responsibilities and authority to which parents are entitled by law to a nominated person(s) whom the court considers appropriate. The nominated person may be an individual, such as a relative, or an officer of the state or territory department. Finalised third-party parental responsibility orders can be long-term or short-term.

The granting of a third-party parental responsibility 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. Third-party parental responsibility orders aim to provide an opportunity for the child to develop a stable, caring relationship with nurturing caregivers, without severing the tie with the biological family.

Over the 5-year period to 2016–17, there was a 54% increase in third-party parental responsibility orders issued in Australia. The total number of such orders rose from 1,058 to 1,627 during this time (Table 4.4). New South Wales and Victoria had the largest increases, 137% and 81%, respectively. Western Australia had a smaller increase, while the numbers decreased in Queensland, South Australia, Tasmania and the Australian Capital Territory.

**Table 4.4: Third-party parental responsibility orders issued, states and territories, 2012–13 to 2016–17**

Year	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Total
2012–13	377	267 <sup>(a)</sup>	213	97	27	60	17	..	<b>1,058</b>
2013–14	381	302	195	71	31	40	12	..	<b>1,032</b>
2014–15	n.a.	290	263	84	14	22	12	..	<b>685<sup>(b)</sup></b>
2015–16	764	507	222	101	18	27	22	..	<b>1,661</b>
2016–17	892	482	88	115	21	19 <sup>(c)</sup>	10	..	<b>1,627</b>

(a) Data for Victoria in 2012–13 are from the Adoptions Australia data collection; other data in the table are from the Child Protection Australia data collection.

(b) Data for New South Wales were not available for 2014–15; therefore, this year is not comparable with other years included in this table.

(c) Due to issues with the recording of orders in Tasmania, data for children on third-party orders has been crosschecked with third-party placement types from 2016–17. As such figures reported prior to 2016–17 should be interpreted with caution.

*Note:* Prior to 2013–14 third-party parental responsibility orders were reported as finalised guardianship or custody orders for Victoria.

*Source:* AIHW Child Protection Australia data collection 2012–13 to 2016–17, Adoptions Australia data collection 2012–13.

# Glossary

Note that all terms in bold type are glossary items.

**adoptee:** The children who have been the subject of an adoption order. Also known as **adopted children**.

**adoption:** 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:** A certificate defined by both the Family Law (Hague Convention on Intercountry Adoption) Regulations 1998 and the Family Law (Bilateral Arrangements—Intercountry Adoption) Regulations 1998. Essentially, this is 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, in the case of a Hague adoption, 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, this is the age when the adoption order for the child 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:** 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 might be when the department first opens a file, when the applicant registers, or when the applicant is 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 decide on 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 2 categories of arranging bodies: **government arranging body** and **non-government arranging body**.

**bilateral adoption:** An adoption from a country with which Australia had an active intercountry adoption program, but where the Hague Convention had not entered into force before the file of the applicant(s) was sent.

**carer (known child adoption):** Foster parent or other non-relative who has been caring for the child and has had the responsibility for making decisions about 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:** An officially designated body with specific obligations under the Hague Convention; all countries that are party to this convention on intercountry adoption must have such a body. 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.

**closed (program status):** The intercountry program was not accepting new applications, and had been officially closed by the Australian Government.

**country of origin:** The usual country of residence of the child being adopted. This is generally the country of birth of a child.

**de facto relationship (adoptive parents):** An arrangement where 2 adoptive parents, who are not legally married, live 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:** A term used to describe an adoption process that ends after the child is placed in an adoptive home and before the adoption is legally finalised. This results in the child's return to (or entry into) foster care or placement with new adoptive parents.

**dissolution:** A term used to describe an adoption process in which the legal relationship between the adoptive parents and adoptive child is severed, either voluntarily or involuntarily, after the adoption is legally finalised. This results in the child's return to (or entry into) foster care or placement with new adoptive parents.

**expatriate adoption:** 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:** An adoption order that was completed 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 department responsible for adoption in Australia.

**full adoption order in child's country of origin:** An adoption in the child's country of origin made by an order that creates, between the child and the adoptive parent(s), the relationships of parent and child, and that severs the relationship between the child and the parents.

**government arranging body:** A state or territory department (see Acknowledgments) or another government authority authorised under adoption legislation to decide on the placement of an adoptive child.

**guardianship/custody order (parental responsibility order):** An order that involves the transfer of legal guardianship from the child's parents to the relevant state or territory department or minister, or non-government agency. Such an order involves considerable intervention in the child's life and that of their family, and is sought only as a last resort.

**guardianship order:** Conveys responsibility for the welfare of the child to the guardian (for example, about the child's education, health, religion, accommodation and financial matters). It does not necessarily grant the right to the daily care and control of the child, or the right to decide on the daily care and control of the child, which are granted under custody orders.

**custody order:** Generally refers to an order that places children in the custody of the state or territory minister, or department responsible for child protection, or non-government agency. This order usually makes the child protection department responsible for the daily care and requirements of the child, while the parent retains legal guardianship. Custody alone does not necessarily bestow any responsibility for the long-term welfare of the child. This may vary with each individual jurisdiction's guardianship and custody orders.

**guardianship order in child's country of origin:** An 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 parent and the child is not severed. The child enters Australia under a guardianship order, and the full adoption order is made in Australia or the child's country of origin.

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

**Hague Convention (intercountry adoption):** A convention—specifically, the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption—that establishes standards and procedures for adoptions between countries. The Hague 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 adoption** or **bilateral adoption**.

**inactive (program status):** The intercountry program had not been officially closed but applications could not be sent due to requirements by the overseas country (for example, the adoption pathways offered may be currently unavailable to Australian prospective parents).

**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 adoption:** An adoption of a child/children from countries other than Australia who may legally be placed for adoption, but who generally have had no previous contact with the adoptive parent(s). There are 2 categories of intercountry adoptions: **Hague adoption** and **bilateral adoption**. There are 2 arrangements for intercountry adoptions: **full adoption order in child's country of origin**, and **guardianship order in child's country of origin**.

**known child adoption:** An adoption of a child/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**.

**local adoption:** An adoption of a child/children 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 parent(s).

**marital status of adoptive parent(s):** Applicable status at the time the child is placed with the adoptive parent(s), using 1 of the following categories: **registered marriage**, **de facto relationship** and **single**.

**marital status of birth mother—married:** The classification of the birth mother 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 still classified as married.

**marital status of birth mother—unmarried:** The classification of the birth mother 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 might include church organisations, registered charities, non-profit organisations, companies and cooperative societies and associations.

**non-Hague adoption:** An adoption from a country with which Australia did not have an active intercountry adoption program, and where the Hague Convention had not entered into force before the file of the applicant(s) was sent.

**on hold (program status):** The intercountry program was not accepting new applications, but had not been officially closed. May occur while a review of, or changes to, the adoption legislation, principles or processes in the overseas country are in progress.

**open (program status):** The intercountry program was accepting new applications at some point during the 12-month period prior to the current reporting period.

**other (known adoption):** An adoption for a child/children adopted by the commissioning (surrogate) parent(s), whether the commissioning parent(s) is/are a relative or not.

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

**permanent care order:** An order granting 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. An application may 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:** The act of placing a child/children with their adoptive family (that is, the child enters the home) during the reporting period, regardless of the status of their adoption order.

**program status:** The status of Australia's intercountry adoption program with a given country of origin in the 12-month period prior to the current reporting period using 1 of the following categories: **open**, **inactive**, **on hold** and **closed**.

**registered marriage (adoptive parents):** The status of 2 adoptive parents who are legally married to each other and living together at the time the child is placed with them.

**relative(s) (known adoption):** Any relative(s) of the child being adopted, as defined by the *Family Law Act 1975*, other than step-parents. For Indigenous children, a relative includes anyone related through kinship arrangements.

**single (adoptive parents):** The status of an adoptive parent who is not legally married or living in a de facto relationship; might include widowed parents.

**special needs adoption:** An adoption of a child or young person who:

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



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

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## Related publications

This report, *Adoptions Australia 2017–18*, is part of an annual series. Earlier editions can be downloaded free from the Australian Institute of Health and Welfare (AIHW) website. The website also includes information on ordering printed copies:

[www.aihw.gov.au/reports-statistics/health-welfare-services/adoptions/reports](http://www.aihw.gov.au/reports-statistics/health-welfare-services/adoptions/reports).


Additionally, a snapshot of the main findings for the current year, and access to the new adoptions web portal, can be found at [www.aihw.gov.au/adoptions](http://www.aihw.gov.au/adoptions).

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

- AIHW 2017. Child protection Australia 2016–17. Child welfare series no. 68. Cat. no. CWS 63. Canberra: AIHW.
- AIHW 2017. Young people in child protection and under youth justice supervision 2015–16. Data linkage series no. 23. Cat. no. CSI 25. Canberra: AIHW.
- AIHW 2017. Australia's welfare 2017. Australia's welfare series no. 13. AUS 214. Canberra: AIHW.
- AIHW 2017. Children admitted to out-of-home care 2014–15. Bulletin no. 142. Cat. no. AUS 217. Canberra: AIHW.
- AIHW 2016. The views of children and young people in out-of-home care: overview of indicator results from a pilot national survey 2015. AIHW bulletin no. 132. Cat. no. AUS 197. Canberra: AIHW.
- AIHW 2016. Permanency planning in child protection. Child welfare series no. 64. Cat. no. CWS 58. Canberra: AIHW.
- AIHW 2015. Developing a linked data collection to report on the relationships between child protection and youth justice supervision. Data linkage series no. 20. Cat. no. CWS 55. Canberra: AIHW.
- AIHW 2015. Educational outcomes for children in care: linking 2013 child protection and NAPLAN data. Cat. no. CWS 54. Canberra: AIHW.
- AIHW 2012. A picture of Australia's children 2012. Cat. no. PHE 167. Canberra: AIHW.
- AIHW 2011. Headline indicators for children's health, development and wellbeing 2011. Cat. no. PHE 144. Canberra: AIHW.
- AIHW 2011. National outcome measures for early childhood development: development of indicator based reporting framework. Cat. no. PHE 134. Canberra: AIHW.
- AIHW 2011. Young Australians: their health and wellbeing 2011. Cat. no. PHE 140. Canberra: AIHW.







There were 330 adoptions finalised in Australia in 2017–18, of which 80% were of Australian children and 20% were intercountry. The majority of all adoptions finalised in Australia during 2017–18 were known child adoptions (233 or 71%) and, of these, 63% (147) were by carers. Although the 330 adoptions represented a 5% increase on the number of adoptions finalised in 2016–17, overall, there has been a 57% decline since 1993–94.

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