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Health and Welfare

AIHW

Adoptions Australia

2018-19



Adoptions Australia

2018-19



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Summary

Adoption numbers show a small upward trend



Over the past 25 years, adoption numbers declined by 64%—from 855 in 1994–95 to 310 in 2018–19—but since a low of 278 adoptions in 2015–16, there has been a rise of 12%. This is due to a 40% rise in known child adoptions from 2015–16 to 2018–19, which can be attributed to a higher number of adoptions by known carers, such as foster parents, in New South Wales.

Known child adoptions made up just over two-thirds of all adoptions



While other types of adoptions have declined, known child adoptions—where the child is already known to the adoptive parent(s)—rose over the past decade, from 129 in 2009–10 to 211 in 2018–19. These adoptions comprised 68% of all finalised adoptions in 2018–19, with adoption by carers, such as foster parents, being the most common (67% of all known child adoptions).

Local and intercountry adoptees were younger than known child adoptees



Adoptions of Australian children not known to their adoptive parent(s) are called 'local' adoptions. In 2018–19, 42 local adoptions were finalised, representing 14% of all adoptions.



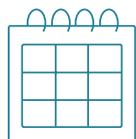
A further 57 adoptions of children from countries with which Australia had an official adoption program—referred to in this report as intercountry adoptions—were also finalised. Nearly all (98%) of local adoptees, and 65% of intercountry adoptees were aged under 5. By comparison, less than 1 in 5 known child adoptees (17%) were aged under 5.

Indigenous children were adopted by known carers



In 2018–19, no Indigenous children were adopted through local adoption, and 12 Indigenous children were adopted through known child adoption. This was the highest number of finalised adoptions of Indigenous children in the past 25 years (equal to the number recorded in 1994–95). Over the 25 years from 1994–95 to 2018–19, a total of 126 Indigenous children have been adopted.

Intercountry processing times dropped in 2018–19



For intercountry adoptions, 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 rising since 2007–08 (when data were first reported). The median processing time peaked at 5 years and 4 months in 2014–15, but then fell to less than 3 years in 2016–17 and 2017–18. The median time in 2018–19 was 2 years and 1 month, the shortest time on record.

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, placements from South Korea had a median time of 21 months, while for Thailand the median time was just under 4 years (47 months).

Nearly all intercountry adoptions were from Asian countries



In 2018–19, 96% of finalised intercountry adoptions were for adoptees from Asian countries. The most common country of origin was South Korea (30%), followed by Taiwan and the Philippines (26% each).

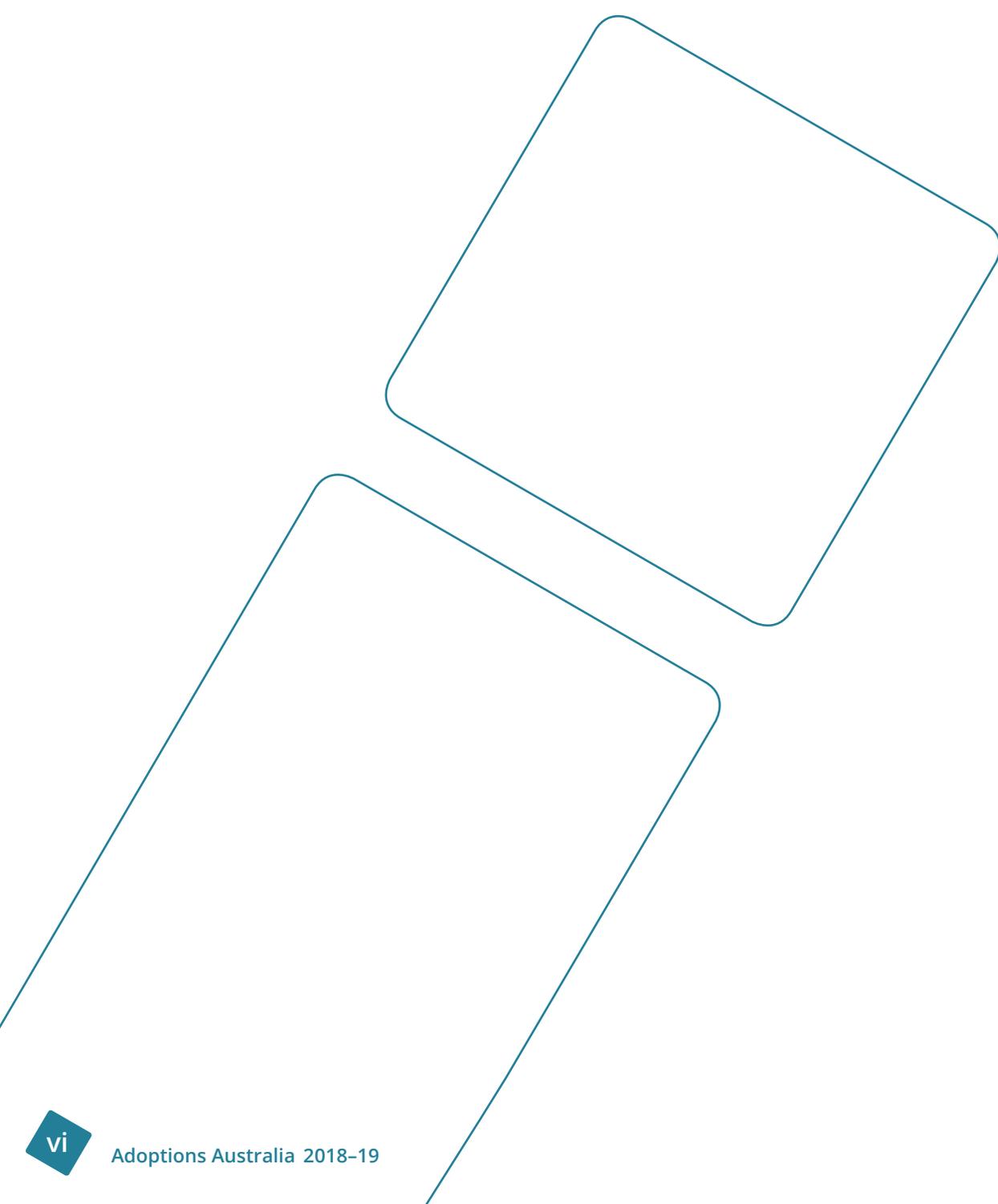
The main country of origin for intercountry adoptions has changed over time. Between 2006–07 and 2010–11, the main country of origin was either China or the Philippines. Then, between 2011–12 and 2017–18, it shifted between Taiwan and the Philippines, with South Korea becoming the leading country in 2018–19.

Twelve months after entering Australia, the proportion of intercountry placements with moderate to substantial additional care needs declined



For the first time, this report includes data on the level of need of intercountry adoptees. This is the level of resources or support services required by the adopted child and/or their adoptive family to foster healthy development and wellbeing, support positive family functioning, and prevent adoption disruption (a continuum from no additional care needs, when compared with an average Australian family with non-adopted children, to moderate to substantial additional care needs).

At the time adoptees were allocated, 34% of the intercountry placements that occurred in 2017–18 were considered to have moderate to substantial additional care needs. However, 12 months after the adoptees had entered Australia, this proportion fell to 9%, with 52% considered to involve minor additional care needs by then.



1 Introduction

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.

For the adoptive parent(s), 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 might be issued for the child, recording the name(s) of the adoptive parent(s) as the legal parent(s), and, if relevant, the new name of the child.

Adoption in Australia aims to provide a nurturing, safe, and permanent family for children and young people. Adoption is seen as a service for the child or young person, and decisions about an adoption are to be made with their best interests—both in childhood and later life—as the primary consideration.

To help inform adoption policy and practice in Australia, the Australian Institute of Health and Welfare (AIHW) releases an annual report documenting trends in the use of adoption to meet the needs of children and young people.

1.1 Adoptions in Australia

Patterns of adoption have been changing in Australia over the past few decades. These changes are due to a complex interplay of economic, political, and sociocultural 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
- improved child protection systems and the use of long-term legal orders that transfer parental responsibility
- the increasing labour force participation of women
- reproductive innovations (Carmichael 2014; Constantinidis & Cook 2012; Higgins et al. 2014; Mills et al. 2011).

These factors have reduced the number of Australian children considered to be in need of adoption, while also changing perceptions of adoption and of when adoption is in the best interest of a child or young person.

Likewise, similar economic, political and sociocultural factors overseas, along with 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)—have influenced intercountry adoption patterns. Changes have supported children remaining either with their families or within their country of origin, leading to fewer children, particularly infants, in need of intercountry adoption.

The secrecy associated with past adoption practices in Australia has largely given way to a system characterised by the open exchange of information between parties to an adoption, and focused on the needs of the child.

Research has recognised that age-appropriate discussions between prospective adoptive parent(s) and the adopted child about adoption-related issues benefit the child's adjustment (Brodzinsky 2014; Child Welfare Information Gateway 2013; Passmore et al. 2009; Siegel & Livingston Smith 2012). Access to, and information exchange about, an adopted child by parties to the adoption (referred to in this report as an 'open' adoption) is supported in all states and territories, but the degree to which this occurs varies across jurisdictions (see Appendix A Section A.2).

1.2 Recent developments

Carer adoptions

A relatively recent change to the pattern of adoption in Australia is evident in the rising rate of adoptions by carers who had a pre-existing relationship with an adoptee before the adoption, such as foster parents—generally referred to in this report as 'carer (known child) adoption'. This reflects the desire to provide permanency of placement for children in out of home or foster care environments (Fernandez 2014). Since 2012–13, this category of adoption has 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.

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 established a new hierarchy for child permanency planning, and, where adoption was previously last preference, it is now the highest preference when reunification with parent(s), or guardianship with family, kin, or other suitable person is not practical (Ainsworth & Hansen 2016).

Further amendments made by the New South Wales Parliament to the *Children and Young Persons (Care and Protection) Amendment Act 2018* and the *Adoption Act 2000* were assented to on 28 November 2018. These amendments made further provisions for the care and protection of, and the provision of services to, children and young people. For a child under the care of the state, these provisions included a 2-year limit within which a decision about permanent placement has to be made. The policy was introduced to reduce the number of times a child moved between placements, as numerous movements have been linked to negative outcomes, including poorer mental health, lower educational attainment, and vulnerability to further abuse and violence (AIHW 2017).

Alongside their adoption legislation, New South Wales also prioritises open adoptions for children removed from their parents, with contact arrangements documented in an adoption plan (Luu et al. 2019). This legislation is consistent with Article 9.3 of the UN Convention, which states the following:

Parties shall respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child's best interest (United Nation General Assembly 1989).

Amendments made in 2012 to the *Adoption Act 1994* in Western Australia strengthened the carer adoption process, and reintroduced relative adoption as a legislative option to secure long-term permanent care for children. Under the amendments, adoption 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 to a third party, often until the child turns 18 (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 adoptions

In 2016, the Intercountry Adoption Family Support Service was established as a free, independent, nationwide service available to people who are engaged in the intercountry adoption process. The service provides counselling and support services to assist with various challenges that are unique to the intercountry adoption experience.

In addition, Intercountry Adoption Australia is a central point of contact for people at all stages of the intercountry adoption process, consisting of a national website, www.intercountryadoption.gov.au, an email enquiry service, and a phone line (1800 197 760).

In April 2019, the Attorney General's Department transferred the Commonwealth Central Authority function to the Australian Government Department of Social Services (DSS). DSS 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. DSS also manages Australia's intercountry adoption country programs (see Section 2.2).

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

Children with special needs

Adoption of children with special needs is an area of growing importance in the Australian intercountry adoption context. Historically, there has been limited information at the national level about the adoption of children with special needs. Following national reviews of Australian adoption practice (PM&C 2014), the AIHW collaborated with state, territory, and Australian Government agencies to develop national definitions, and improve the availability of data on the adoption of children with special needs.

This report includes, for the first time, expanded data and information on the adoption of children with special needs. These data, alongside data on adoptions of older children and sibling group adoptions, help address a long-standing data gap in the national collection.

1.3 Data sources and processes

The 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 adoption, according to definitions and technical specifications agreed by the jurisdictions and the AIHW.

Data on adoption visas issued in 2018–19, including for children adopted by expatriate Australians, are provided by the Australian Government Department of Home Affairs (HA). From 2016–17, the format of the data provided by HA changed, so the presentation of subsequent information might vary from previous editions.

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.

Definitions can be found in the Glossary. Further information on the data contained in this collection can be found in the data quality statement available at <https://meteor.aihw.gov.au/content/index.phtml/itemId/722746>.

1.4 Report structure

This report has 4 chapters:

- Chapter 1 provides an introduction to adoption.
- Chapter 2 provides an overview of adoption processes in Australia.
- Chapter 3 presents detailed data on adoptions in 2018–19.
- Chapter 4 presents trends in adoptions 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-2018-19/contents/>.

2 Adoptions in Australia

The words used to describe those involved in an adoption carry sensitivities for all parties to the adoption. Both birth and adoptive parents can appropriately be referred to as ‘parents’. In this report, the terms ‘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, but, where required for clarity, these terms are also used in this report to refer to the biological parents (Higgins et al. 2016). The terms ‘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 with which Australia has an official adoption program, and are referred to in this report as either ‘Hague’ or ‘bilateral’.
- **Local adoptions** are adoptions of children born or permanently living 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 living 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.

Box 2.1: Adoptions not included in national counts

Adoptions by relatives or other known carers of children from countries other than Australia, termed ‘known child intercountry adoptions’, are not included in national counts of intercountry adoptions 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 annual 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.

Consent dispensation legislation:

- is set by individual states and territories
- occurs under strict conditions
- is highly dependent on the individual circumstances
- must be in the best interest of the child.

People wishing to adopt a child must satisfy the government department or agency concerned that they will be suitable parents. Factors that might 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 Section A.1), as do eligibility requirements set by countries of origin for intercountry adoptions (IAA 2019b).

Intercountry adoptions

Legislation and responsibilities

The process for intercountry adoptions is strictly controlled:

- by each state and territory under the relevant state legislation
- by the Australian Government under the:
 - Commonwealth laws relevant to intercountry adoptions:
 - *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 adoptions:
 - *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.

Box 2.2: What is the Hague 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.

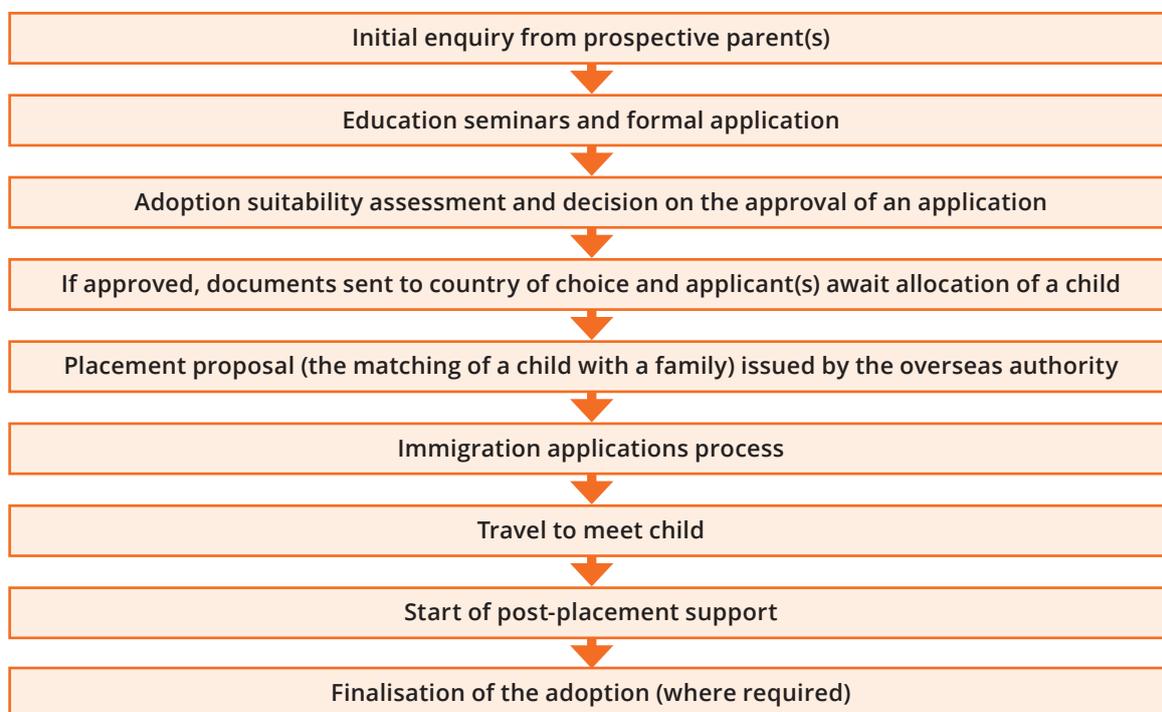
A list of countries that were party to the Hague Convention during 2018–19 can be downloaded as part of the supplementary material available on the AIHW website for this report (see Appendix B).

DSS is responsible for establishing and managing Australia's intercountry adoption arrangements. In accordance with their responsibilities for intercountry adoption, each state and territory has also established a Central Authority under the Hague Convention. State and territory governments are also responsible for processing adoption applications and assessing and approving prospective adoptive parents (DSS 2019).

Process

Although each state and territory has its own legislation for intercountry adoptions, the general process is similar across the jurisdictions (Figure 2.1). DSS and the state and territory central authorities work together to ensure that all of Australia's adoption programs meet the standards of the Hague Convention, regardless of whether partner countries are signatories.

Figure 2.1: Process for intercountry adoptions



Note: Intercountry adoptions may be finalised in various ways, depending on the type of adoption—see this 'Process' section for more details. This diagram is a simplified overview of the intercountry adoption process. Processes might vary between jurisdictions.

In addition to requirements set by Australian 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 Intercountry Adoption Australia website (IAA 2019b).

The time involved with parts of the intercountry adoption process, such as 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 adoption authorities. These include the number and characteristics of children in need of intercountry adoption, the number of applications received by an overseas adoption authority, and the resources available to that authority. Waiting times for intercountry adoptions vary between countries (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 in 2014 to the *Family Law (Bilateral Arrangements–Intercountry Adoption) Regulations 1998*, 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.

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 using a staged approach, to help Australian adoption authorities closely monitor and build an understanding of India’s revised intercountry adoption program. Starting in April 2019, Queensland and the Northern Territory began assessing a small number of prospective adoptive parents, and providing files to the Indian central authority for consideration (IAA 2019a).

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 countries that were not parties to the Hague Convention, 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 only established 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. Both countries 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-2019 (see Appendix B).

Box 2.3 describes 2 types of other overseas adoptions, ad hoc requests, and private adoptions, which are outside of Australia’s regular intercountry adoption processes.

Box 2.3: What are ad hoc requests and private adoptions?

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 adoptions are likely to be considered only in exceptional circumstances, as they are not consistent with Australia's management of intercountry adoptions.

For example, an application may be considered where the prospective adoptive parent(s) 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 the prospective adoptive parent(s) can apply formally 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. Data on finalised ad hoc adoptions are not included in this report.

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. These are 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 (HA 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 Section 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.

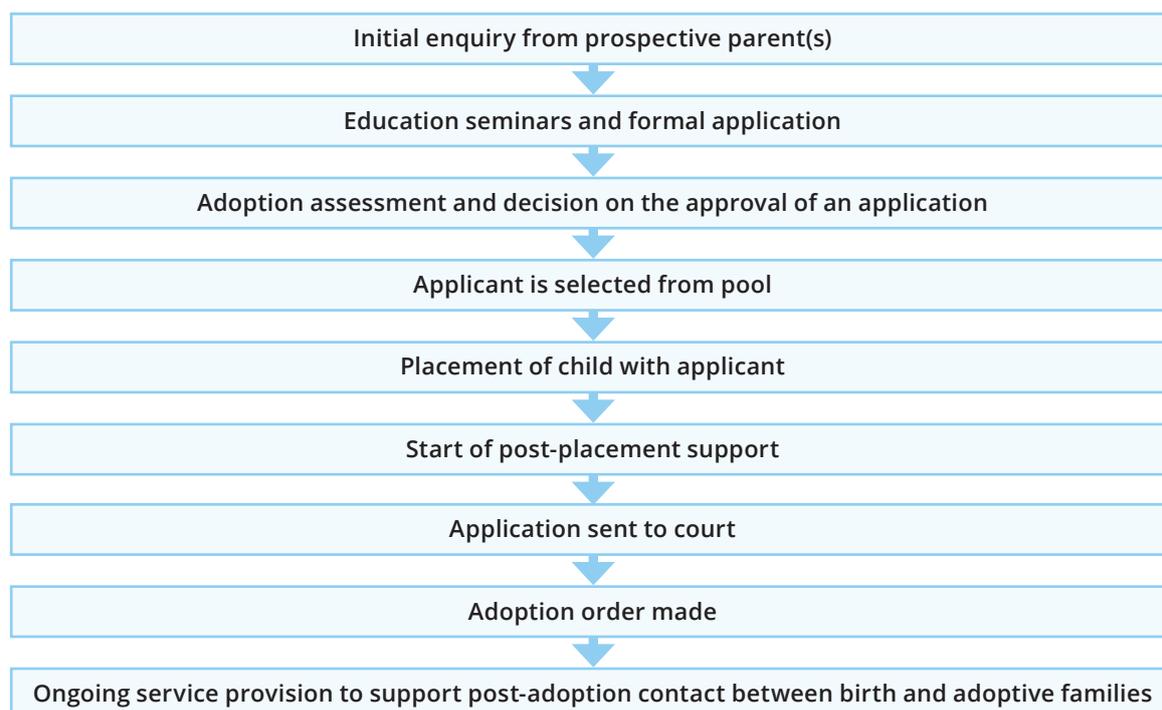
For local adoptions, in most cases, the responsible state or territory department will be the guardian of a child for whom general consents for adoption have been signed. For some approved non-government adoption agencies, the principal officer of the agency will be the guardian. The guardianship of 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 might vary slightly between jurisdictions.

Figure 2.2: Process for local adoptions



Note: This diagram is a simplified version of the local adoption process. The number and order of steps might vary 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 of children placed in their care, such as foster parents. The aim of this type of adoption is to provide the child with a clear legal position, status, and stability within the family arrangement.

In some circumstances, the adoption might 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 Section 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 to create 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.

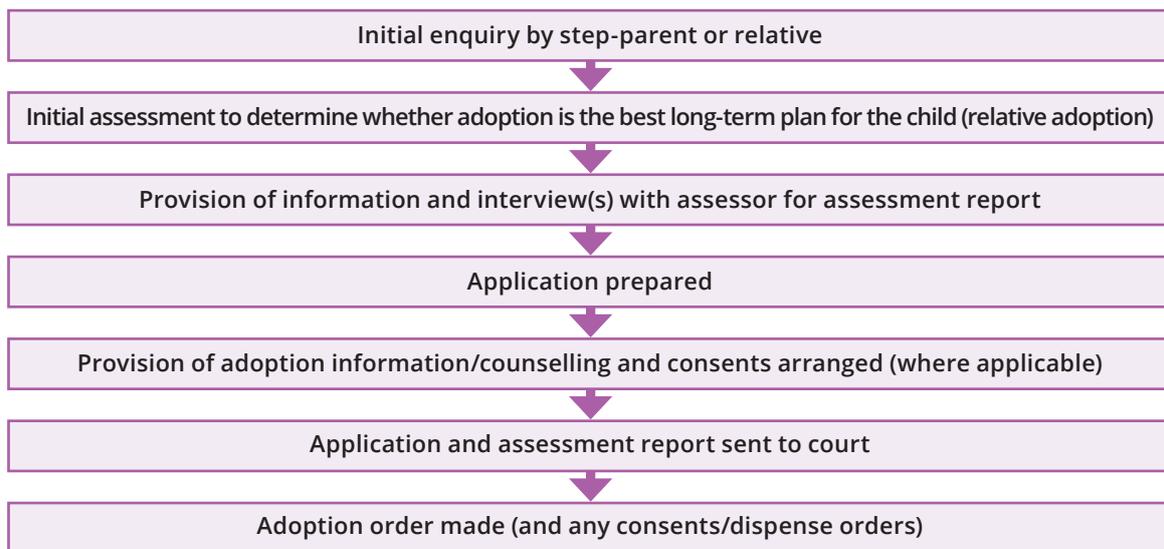
Process

Each state and territory has its own process for the adoption of known children.

Figure 2.3 broadly shows the process for adoptions by step-parents and other relatives (intrafamilial adoptions). In some jurisdictions, the department responsible for adoption has limited involvement in this process, with prospective parents being responsible for preparing and lodging their own applications directly with the court.

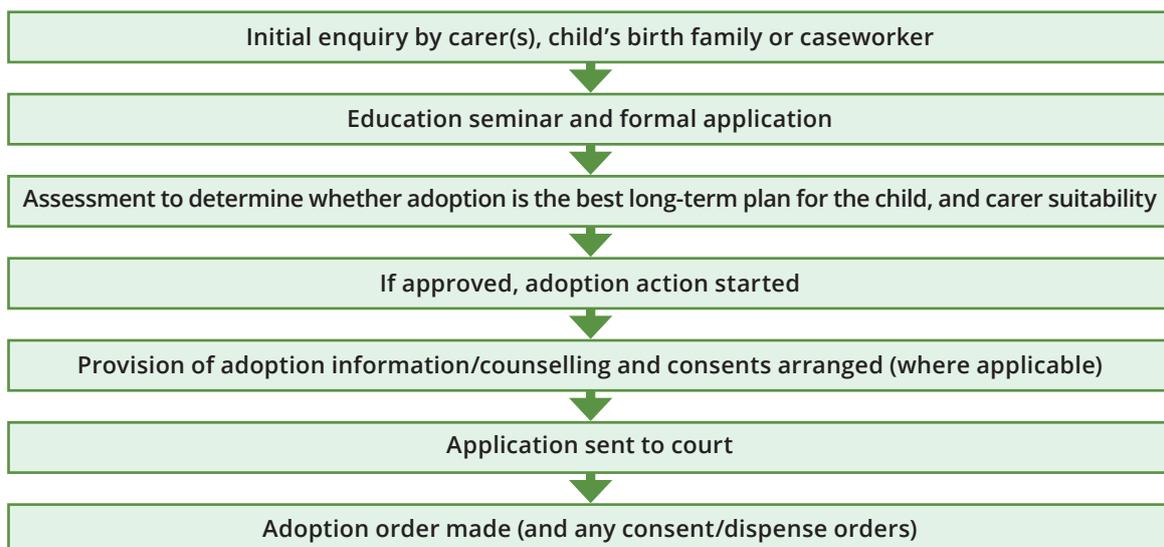
Figure 2.4 shows the process for adoptions by carers, such as foster parents, although some of the additional complexities associated with adoptions by carers are not shown. In both cases, the precise order of the steps might vary slightly between jurisdictions.

Figure 2.3: Process for step-parent and relative adoptions



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

Figure 2.4: Process for carer (known child) adoptions



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

3 Adoptions in Australia in 2018–19

Key findings

- There were 310 finalised adoptions in Australia in 2018–19.
- 18% were intercountry and 82% were of Australian children.
- Carer (known child) adoptions were the most common—142, or 46% of all finalised adoptions.
- Almost all local adoptees (98%), and a large percentage of intercountry adoptees (65%), were aged under 5. Only 17% of known child adoptees were aged under 5.
- The median waiting time for families adopting from overseas was 2 years and 1 month in 2018–19.
- Half of all adoptive parents involved in local adoptions were aged 40 or over—this was higher for intercountry (64%) and carer (known child) (83%) adoptions.

This chapter provides an in-depth analysis of intercountry, local, and known child adoptions in Australia in 2018–19. Given the small numbers involved, there can be volatility in the data from year to year. Due to this, changes identified over short periods (such as a single year) should be interpreted with caution.

More information about the implications of the small size of the adoption population can be found in the data quality statement for this collection at <https://meteor.aihw.gov.au/content/index.phtml/itemId/722746>.

Box 3.1: 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 (Fronck & Cuthbert 2013; Young 2012).

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), with some researchers asserting that infertility is the primary motivation for intercountry adoption (Hilferty & Katz 2018; O'Halloran 2015).

International and domestic research on why adoptive and prospective adoptive parents chose 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).

Those who preferred intercountry adoption thought they would be more likely to be allocated a younger child (Ishizawa & Kubo 2014).

In an independent review of Intercountry Adoptions Australia support services, more than half of all respondents (54%) expressed a preference for a child under the age of 3 (Australian Healthcare Associates 2017). National data for Australia in 2018–19 indicate that relatively few intercountry adoptees were infants under 12 months—3 of the 57 (just over 5%) intercountry adoptees—with a higher proportion of infants among local adoptees—17 of the 42 (40%).

(continued)

Box 3.1 (continued): Motivations and expectations around adoption

Prospective adoptive parents, in international studies, 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).

Although national data on processing times for intercountry adoptions show median waiting times are improving, long average waiting times for some countries of origin continue to exist—for example, 47 months for Thailand in 2018–19. Comparative processing time data for domestic adoptions are not currently available.

Some considered that intercountry adoption created permanent, lifelong bonds—compared with perceived impermanent bonds associated with fostering—and that more overseas children were in need than in Australia (Young 2012b). 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 2012b; Zhang & Lee 2011).

Those who chose local over intercountry adoption often believed they would be more likely to adopt a healthy child. A study looking at parental perceptions of developmental disabilities in internationally adopted children 10 years after adoption found that even meticulous pre-adoption screening of these children did not preclude developmental problems appearing later (Diamond et al. 2015).

National data for Australia in 2018–19 show that 12 months after being placed, 60% of intercountry adoptees placed in 2017–18 were considered to have additional care needs.

Among those who chose to foster rather than adopt, the lower cost or faster outcome were often cited as main reasons for this choice (Malm & Welti 2010).

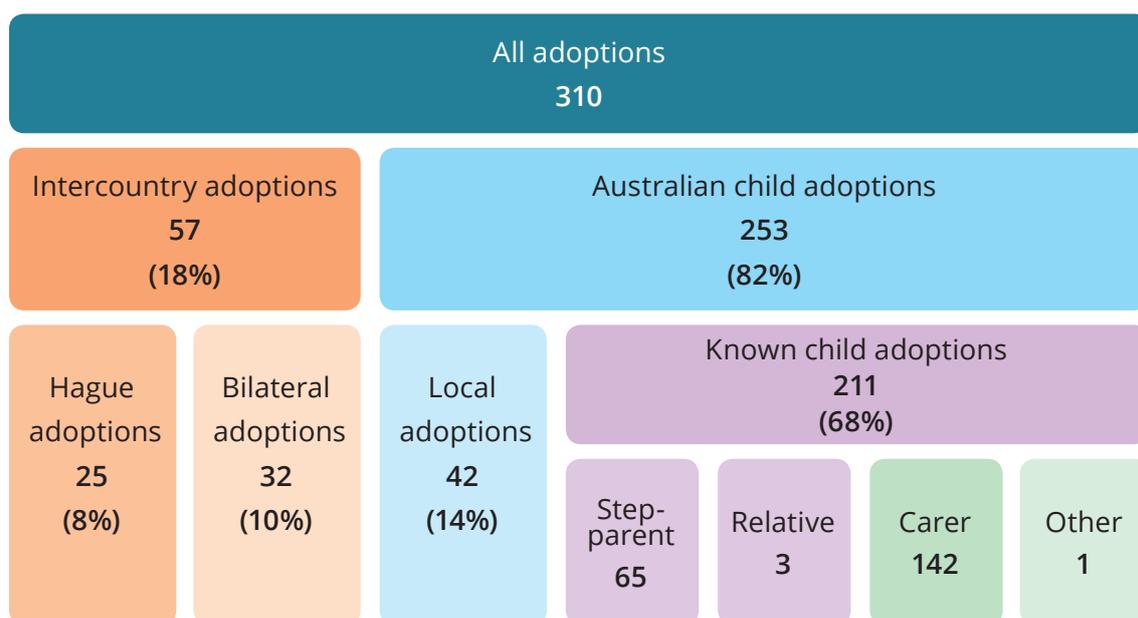
Much of this research was completed before 2015, so might not reflect current perspectives. Preferences, and hence patterns of adoption, are influenced by various contextual factors that vary between countries, and are subject to change over time.

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. More support for single parents, and better 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) might contribute to how prospective parents view adoption as a way of forming or extending a family (Cohen & Chen 2010; Deonandan & Bente 2014).

3.1 Adoption in 2018–19

In 2018–19, 310 adoptions of children were finalised in Australia. This was a fall of 6% from the 330 adoptions in the previous year. Of the 310 adoptions, 57 (18%) were children adopted from overseas, and 253 (82%) were children from Australia—42 local adoptions and 211 known child adoptions (Figure 3.1).

Figure 3.1: Adoptions in Australia, by type of adoption, 2018–19



Notes

1. See Glossary for definitions of the adoption categories.
2. Expatriate and ad hoc adoption are not included in the numbers for intercountry adoptions.
3. Known child adoptions include only those children born or permanently living in Australia before the adoption. Intercountry known child adoption is outside the scope of this report.

Source: AIHW Adoptions Australia data collection.

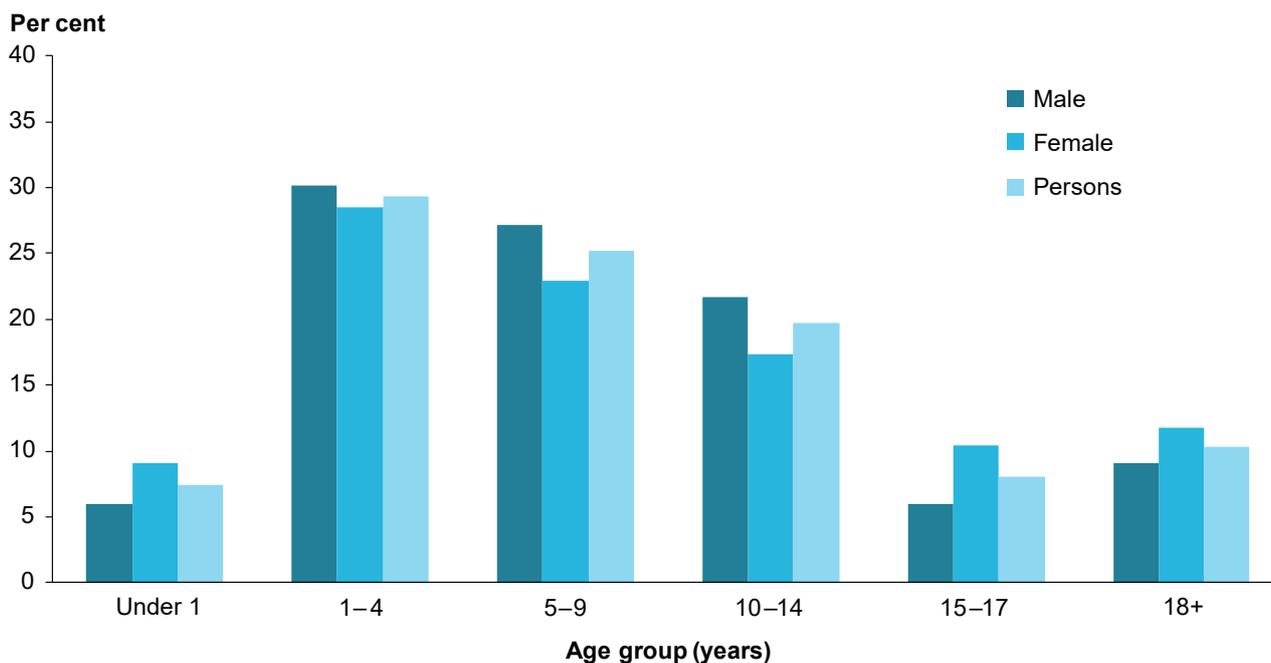
For local and intercountry adoptions, children may be placed with their adoptive families before the adoption order is finalised (see figures 2.1 and 2.2). There were 88 such placements during 2018–19 (Table S3). For some of these children, the adoption order was not finalised during 2018–19, and these children are not included among the reported 310 finalised adoptions. In addition, some adoption orders finalised in 2018–19 related to children who were placed in previous years.

Of all adoption orders finalised in 2018–19, slightly more males (54%) than females (46%) were adopted. The most frequently adopted age group was for children aged 1–4 (29% of all adoptions) (Figure 3.2; 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 was due, in part, to requirements in jurisdictions 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 contributes to the tendency for known child adoptees to be older. In 2018–19, 83% of known child adoptees were aged 5 and over, while the majority of intercountry (65%) and local adoptees (98%) were aged under 5. As the total number of intercountry and local adoptees was lower than for known child adoptees (99 intercountry and local adoptees combined, compared with 211 known child adoptees), only about one-third of all finalised adoptions in 2018–19 were of children aged under 5 (114 or 37%). Of these, 23 adoptees (7% of all adoptions) were younger than 12 months (Figure 3.2; Table S2).

Figure 3.2: Adoptions, by age group and sex of child, 2018–19



Source: Table S2.

From 2017–18 to 2018–19, the number of finalised adoptions in New South Wales fell from 214 to 192 (22 fewer children). The number remained stable in the Australian Capital Territory, with 6 adoptions finalised in both periods. In other jurisdictions, there was a small rise or fall of 1–5 finalised adoptions (Table S1).

3.2 Intercountry adoptions

Intercountry adoptions finalised in 2018–19 would have been preceded by application, assessment, placement proposal, and immigration processes (Figure 2.1).

In 2018–19, 57 intercountry adoptions were finalised, representing 18% of all adoptions finalised (Figure 3.1). This was a slight drop from the 65 intercountry adoptions in 2017–18 (Table S4).

Applicants for intercountry adoptions

In 2018–19, 154 applicants became official clients of Australian adoption authorities (Table 3.1). Applicants might have been married couples, de facto couples, or single people.

The definition of when an applicant becomes an official client varies across jurisdictions. For example, it might be 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 Section A.1).

National data on the number of applicants who become an official client in a given year were first reported in 2011–12 (Table S5). Between 2011–12 and 2018–19, the number of applicants who became official clients has fluctuated, with the lowest reported number in 2015–16 (145), and the highest in 2016–17 (216).

Table 3.1: Level of activity in intercountry adoptions, by state and territory, 2018–19

Activity	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Australia
Number of applicants who became official clients ^(a)	11	31	68	25	10	—	—	9	154
Number of applicants who were approved as eligible and suitable for adoption ^(b)	19	6	18	10	6	1	1	11	72
Number of files sent overseas ^(c)	18	8	11	5	4	—	1	10	57

(a) Counts the number of applicants who became official clients of the adoptions section of the relevant state/territory department between 1 July 2018 and 30 June 2019.

(b) Counts the number of applicants whose application to adopt was approved by the department between 1 July 2018 and 30 June 2019. An approval is when a formal decision is made by the responsible person that the applicant(s) is 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 2018 and 30 June 2019.

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 2016–17, been approved in 2017–18, and had their file sent overseas in 2018–19. These applicants would appear only in the last category in the current reporting period.

Source: AIHW Adoptions Australia data collection.

In 2018–19, Australian adoption authorities formally approved 72 applicants as being eligible and suitable to adopt a child (Table 3.1). Not all of these approvals relate to applicants who became official clients during 2018–19, 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 2018–19 (see ‘Limitations of existing data’ in the data quality statement at <https://meteor.aihw.gov.au/content/index.phtml/itemId/722746>).

Australian adoption authorities also sent 57 files overseas during 2018–19 to be matched with a child (Table 3.1). At any given time, there might be many more awaiting being matched with a child, as the number does not include those files sent overseas in previous years that were still to be matched.

Country of origin

Of the 57 finalised intercountry adoptions in 2018–19, 96% were for children from Asian countries (Table S7). The most common country of origin was South Korea (30% of intercountry adoptions), followed by the Philippines and Taiwan (26% 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 Section 4.1 for a detailed discussion of trends in intercountry adoptions).

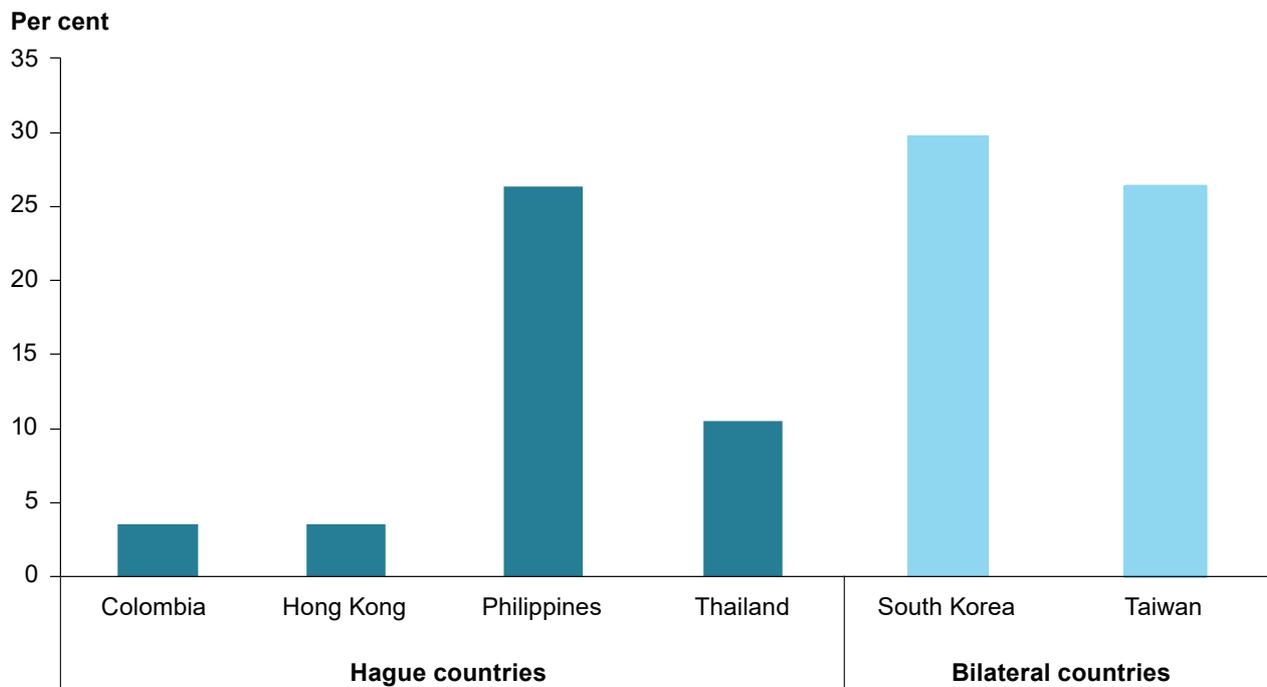
Of those intercountry adoptions finalised in 2018–19, 56% were from bilateral countries (Table 3.2). This was a decrease from the previous year, when 62% of finalised intercountry adoptions were from bilateral countries.

Table 3.2: Intercountry adoptions, by type of adoption and child's country of origin, 2018–19

Country of origin	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Australia
Hague adoptions									
Colombia	1	—	—	—	—	—	—	1	2
Hong Kong	—	1	—	—	1	—	—	—	2
Philippines	2	2	7	—	—	1	—	3	15
Thailand	2	—	—	2	1	—	—	1	6
<i>Total Hague adoptions</i>	5	3	7	2	2	1	—	5	25
Bilateral adoptions									
South Korea	2	1	3	3	1	—	2	5	17
Taiwan	6	1	1	1	3	—	1	2	15
<i>Total Bilateral adoptions</i>	8	2	4	4	4	—	3	7	32
Total intercountry adoptions	13	5	11	6	6	1	3	12	57
Percentage of intercountry adoptions	22.8	8.8	19.3	10.5	10.5	1.8	5.3	21.1	100.0

Source: AIHW Adoptions Australia data collection.

Figure 3.3: Intercountry adoptions, by type of adoption and child's country of origin, 2018–19



Source: Table 3.2.

Processing times for children placed during 2018–19

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 via adoption. In 2018–19, processing time data were only available for intercountry adoptions (see 'Limitations of existing data' in the data quality statement at <https://meteor.aihw.gov.au/content/index.phtml/itemId/722746>).

For children who were placed with their adoptive parent(s) in 2018–19, 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 25 months (just over 2 years).

Median waiting times for countries from which placements were received during 2018–19 varied considerably. For example, placements from South Korea had a median time of 21 months, while placements from Thailand had a median time of 47 months (almost 4 years) (Table 3.3).

In general, the longest waiting periods are experienced when a file is with authorities in 1 of Australia's partner countries. In 2018–19, the longest median period in the process occurred between the time the child was allocated and when the child was placed with the family. In 2018–19, the combined median time for all countries of origin for this component of the intercountry adoption process was 10 months.

Table 3.3: Median length of time for the intercountry adoption process, by country of origin, for children placed in 2018–19 (months)^(a)

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 ^(b)
South Korea	8	1	1	11	21
Taiwan ^(c)	11	3	5	9	32
Thailand ^(c)	10	3	29	4	47
All countries^(d)	9	1	2	10	25

(a) This table includes all children who were placed with their adoptive families during 2018–19. 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) One adoption placement from Taiwan and 4 adoption placements from Thailand in 2018–19 were excluded from the median calculation for each country due to an unusual adoption pathway creating significant delays.

(d) Includes Colombia, Hong Kong, and the Philippines, which had fewer than 3 placements in 2018–19, making it unsuitable to report a median measure for these countries individually.

Source: AIHW Adoptions Australia data collection.

Box 3.2: What influences processing times for intercountry adoptions?

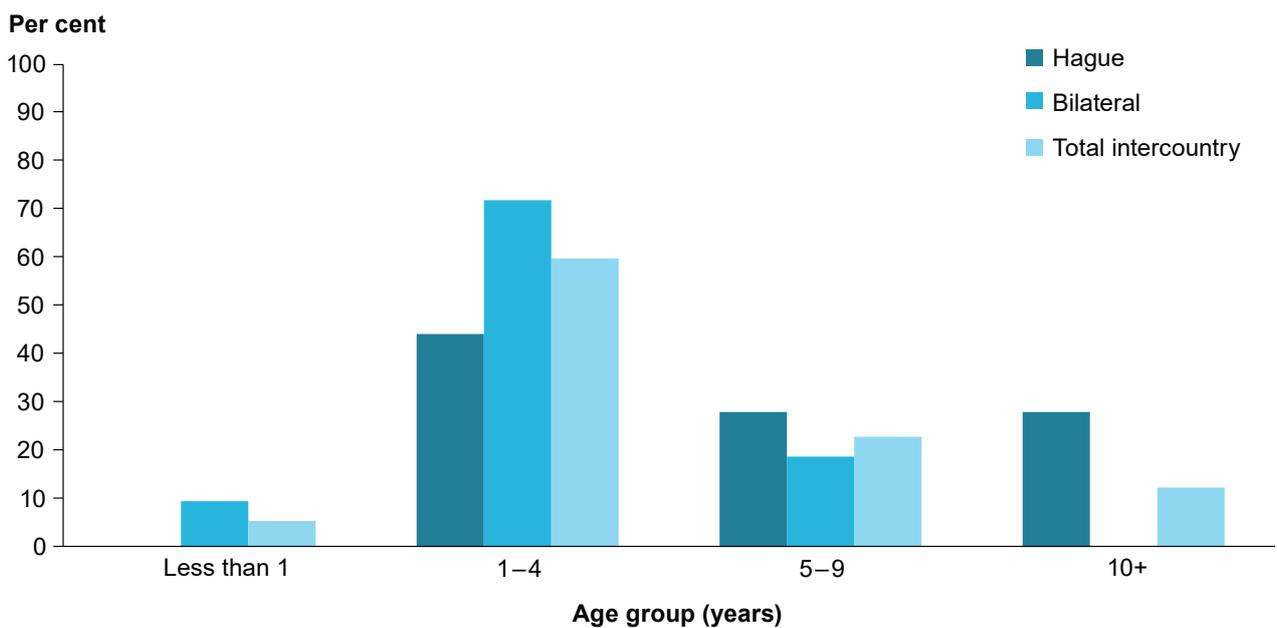
Several factors can influence the time involved in the intercountry adoption process, including:

- 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, 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.

Characteristics of adopted children

Of the 57 intercountry adoptees in 2018–19, 88% were aged under 10, and 65% were aged under 5 (Table S2). Only 3 of the 57 intercountry adoptees (5%) were infants aged under 12 months (Figure 3.4). All infant adoptees were female, and came from Taiwan (Table S10).

Figure 3.4: Intercountry adoptions, by age group of child and type of adoption, 2018–19



Source: Table S10.

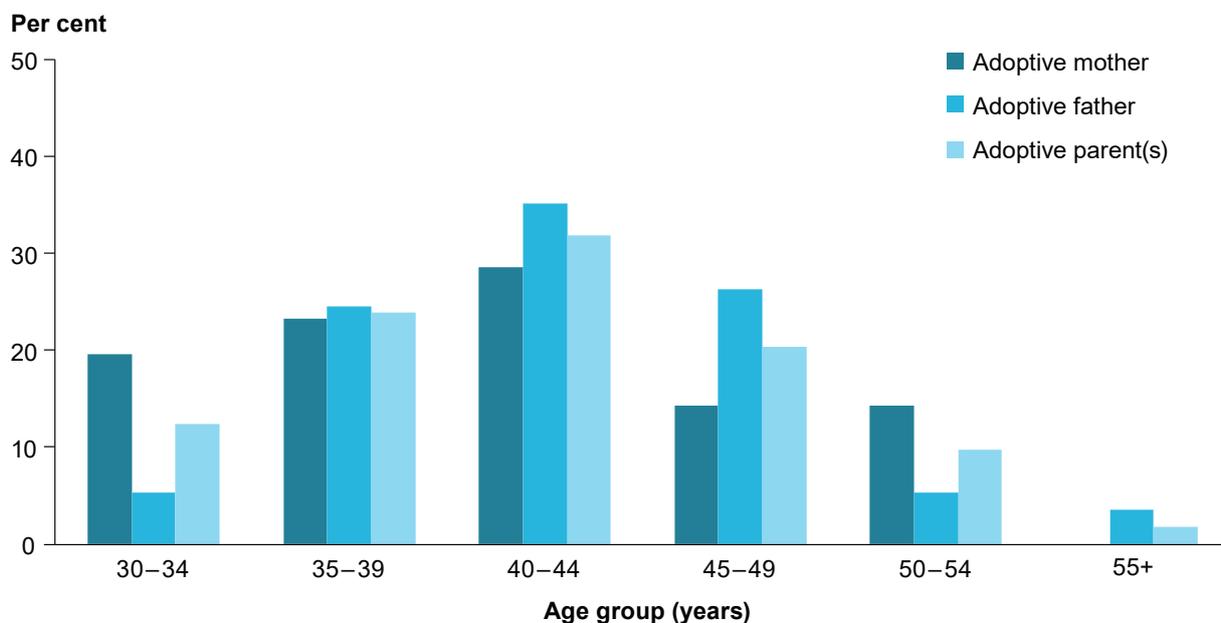
In 2018–19, the majority of the intercountry adoptions finalised were for single children (79%), but 12 children were adopted as part of 5 sibling groups—that is, a child and at least 1 of their siblings were adopted at the same time by the same family.

For adoptions from countries where the Hague Convention was in force, 32% of adoptees were adopted as part of sibling groups. This was the case for 13% of adoptions from bilateral countries (Table S12). Adoption orders were finalised for more male (34) than female (23) adoptees (Table S2).

Characteristics of adoptive families

Adoptive parents tend to be older than parents of non-adopted children (see Box 3.3). In 2018–19, of all adoptive parents who were part of a finalised intercountry adoption, 64% were aged 40 and over with no parents aged under 30 (Figure 3.5). Adoptive fathers were older than adoptive mothers—70% of adoptive fathers were aged 40 and over compared with 57% of adoptive mothers.

Figure 3.5: Intercountry adoptions, by age group of adoptive parent(s), 2018–19



Source: Table S16.

In 2018–19, nearly all intercountry adoptees (98%) became part of families where the adoptive parents were in a registered marriage (Table 3.4). Just 1 intercountry adoption involved a single adoptive parent, and no intercountry adoptions were finalised for de facto couples.

Table 3.4: Intercountry adoptions, by type of adoption and marital status of the adoptive parent(s), 2018–19

Marital status of the adoptive parent(s)	Hague adoption		Bilateral adoption		Total	
	Number	%	Number	%	Number	%
Registered married couple	24	96.0	32	100.0	56	98.2
De facto couple	—	..	—	..	—	..
Single person ^(a)	1	4.0	—	..	1	1.8
Total	25	100.0	32	100.0	57	100

(a) Might include widowed parents.

Source: AIHW Adoptions Australia data collection.

In 2018–19, just under half (45%) of the children with a finalised intercountry adoption were adopted into families with no other children, and a further 20% 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.

Table 3.5: Intercountry adoptions, by type of adoption and composition of the adoptive family, 2018–19^(a)

Composition of the adoptive family	Hague adoption		Bilateral adoption		Total	
	Number	%	Number	%	Number	%
No other children	8	40.0	12	50.0	20	45.5
Biological children only	1	5.0	6	25.0	7	15.9
Adopted children only	4	20.0	5	20.8	9	20.5
Biological and adopted children	7	35.0	1	4.2	8	18.2
Total	20	100.0	24	100.0	44	100.0

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

Note: Percentages might not add to 100, due to rounding.

Source: AIHW Adoptions Australia data collection.

Box 3.3: Why do characteristics of intercountry adoptive parents differ to parents of non-adopted children?

Adoptive parents tend to be older than parents of non-adopted children. Reasons for this might include decisions about postponed childbearing, exploration of alternatives in relation to family formation, including possible time spent pursuing fertility treatments, and the time involved in the intercountry adoption process. Further, countries of origin might specify age requirements for prospective 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.

Regarding the marital status of prospective adoptive parents, apart from additional flexibility for the adoption of children with special needs, few intercountry programs allow applications by single people, with many programs requiring prospective adoptive parents to have been in a registered marriage for a set period.

For example, in 2018–19, South Korea required applicants to have been married for a minimum of 3 years. In addition, while all jurisdictions in Australia allow de facto and same sex couples to apply to adopt, most of Australia’s partner countries during 2018–19 did not accept applications from de facto couples, and only Colombia and South Africa allowed same-sex couples to apply.

As with marital status and the age of adoptive parents, some countries of origin of adoptees who had their adoption order finalised in 2018–19 had specific eligibility criteria in place that directly affected family composition—such as infertility requirements or restrictions on family size (IAA 2019b).

Hague adoption orders

Of the 25 adoptions finalised from countries where the Hague Convention was in force, 23 children entered Australia under guardianship orders, and then had their adoption orders finalised in Australia. Of these, 65% were from the Philippines, 26% were from Thailand, and 9% were from Hong Kong. The remaining 2 children entered Australia under a full adoption order made in their country of origin (Table S11).

After a child is placed with their adoptive family, if a recognised full adoption order is not in place, there will be a period while the adoption order is finalised by Australian authorities. As a result, some children placed for adoption during 2018–19 might not have had their adoption finalised within that financial year. This was the case for 14 intercountry adoptees placed with their adoptive families during 2018–19 (AIHW Adoptions Australia data collection).

Visa and citizenship applications

In 2018–19, data from HA showed that 16 adoption specific visas were issued for intercountry adoptees who had previously had an adoption arranged by an Australian state or territory authority (Table S6). Not all of the children who were issued with visas in 2018–19 would have had their adoption order finalised during this period. It is also possible that some of these visas might reflect intercountry known child adoptions that are generally excluded from intercountry and finalised adoption numbers reported elsewhere in this report.

Intercountry adoptees can also enter Australia via a citizenship pathway. In February 2015, amendments to the Australian Citizenship Act 2007 began. These amendments enable children adopted from South Korea and Taiwan, where the adoption is arranged by an Australian state or territory central authority, 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 this change might result in a fall in the number of adoption visas issued for children adopted from South Korea and Taiwan. In 2018–19, data from HA showed that 52 applications for Australian citizenship for children adopted under full Hague Convention or bilateral arrangements were approved, including 16 applications for children born in South Korea and 21 for Taiwan (HA data collection).

Expatriate adoptions

An expatriate adoption, as defined in this report, occurs when an Australian citizen or Australian permanent resident living abroad adopts a child through an overseas agency or government authority.

Australian adoption authorities are not responsible for expatriate adoptions, and do not assess nor approve applicants for such adoptions. 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.

Visa requirements for expatriate adoptions include:

- at least 1 of the prospective adoptive parent(s) must have been living abroad for at least 12 months before any visa application being lodged with HA
- the prospective adoptive parent(s) must have proven that they were not living overseas to bypass legal requirements for entry of adopted children into Australia
- the prospective adoptive parent(s) must have lawfully acquired full and permanent parental rights in adopting the child.

In 2018–19, data from HA indicated that 99 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 30 countries, compared with 24 countries in 2017–18 (AIHW Adoptions Australia data collection). One-quarter (25%) of these adoptions occurred in countries with which Australia had an official intercountry adoption program that was active in 2017–18. A further 7% involved countries where Australia's intercountry adoption program had not been accepting new applications since 1 July 2017, and about 61% 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, 2018–19

Program status	Number	%
Open program	25	25.3
On hold/inactive program	7	7.1
Closed program	≤5	n.p.
No previous program	60	60.6
Stateless/unknown	n.p.	n.p.
Total	99	100.0

Note: For this table, the status of a program in the reporting period before the period in which the visa was issued is used to classify the program against the categories. For example, for visas issued in 2018–19, a country is classified based on the status/existence of an Australian adoption program during 2017–18.

Source: HA data collection.

3.3 Local adoptions

In 2018–19, 42 local adoptions were finalised, comprising 14% of all adoptions (Figure 3.1; Table 3.7). This was an increase from the previous year, when 32 local adoptions were finalised (Table S17). 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, 2018–19

State/territory	Number	%
NSW	14	33.3
Vic	12	28.6
Qld	8	19.0
WA	5	11.9
SA	2	4.8
Tas	1	2.4
ACT	—	..
NT	—	..
Australia	42	13.5

Source: AIHW Adoptions Australia data collection.

Characteristics of adopted children

In 2018–19, almost all (98%) local adoptees were aged under 5, with 40% being infants aged under 12 months at the time of placement (Table S2). This was a substantially higher proportion of infants than for intercountry adoptions (5%) and known child adoptions (1%) (for a more detailed discussion of trends, see Section 4.1).

A similar number of local adoptions were finalised for female (22) and male (20) adoptees in 2018–19, and no children were adopted as part of sibling group adoptions (tables S2 and S12).

Characteristics of birth mothers

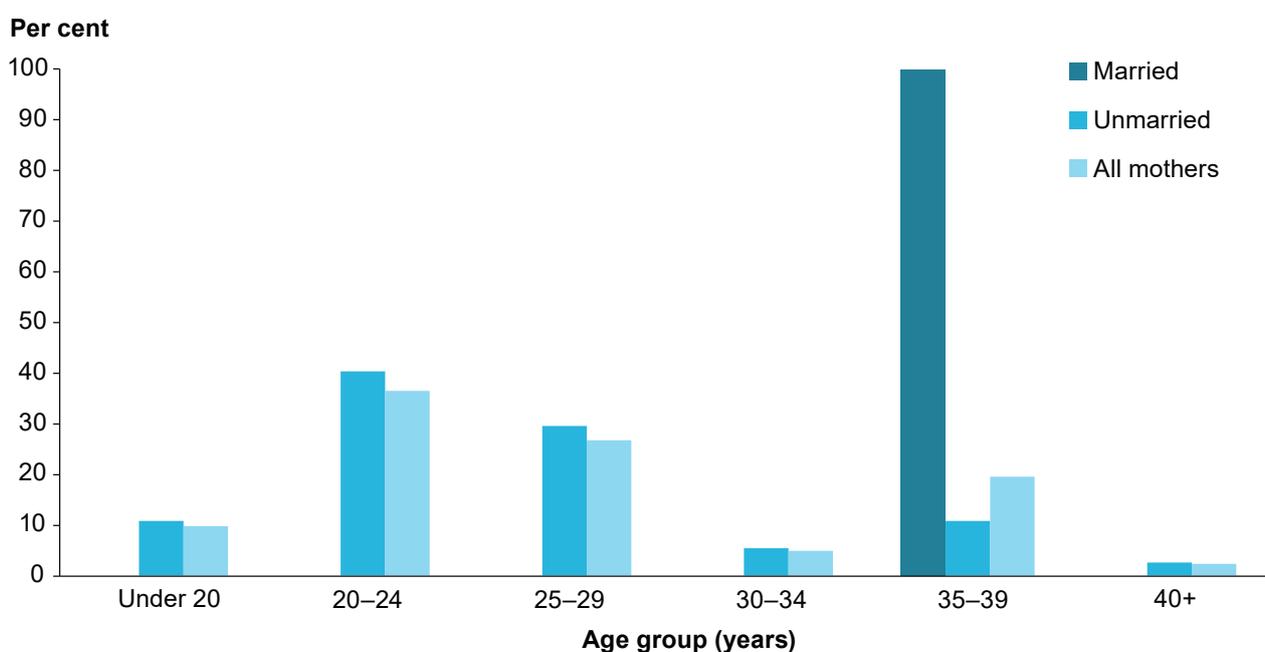
Characteristics of birth mothers for intercountry adoptees are difficult to obtain from their countries of origin (see 'Limitations of existing data' in the data quality statement at <https://meteor.aihw.gov.au/content/index.phtml/itemId/722746>). Data were available in 2018–19 on the mothers of Australian 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 2018–19 was 26 at the time of the child's birth. This represented a decrease from the median age recorded in 2017–18 (Table S18). It was also younger than the median age of all mothers giving birth in Australia, which was 31 in 2017 (ABS 2018).

Ages of mothers of children with a finalised local adoption in 2018–19 ranged from under 20 to over 40. The most common age group was 20–24, accounting for 37% of mothers.

Nearly 3 in 4 mothers (73%) were aged under 30. The majority of mothers were not in a registered marriage at the time their child was born (90%) (Figure 3.6; tables S19 and S20).

Figure 3.6: Local adoption, by marital status and age group of birth mother, 2018–19



Source: Table S19.

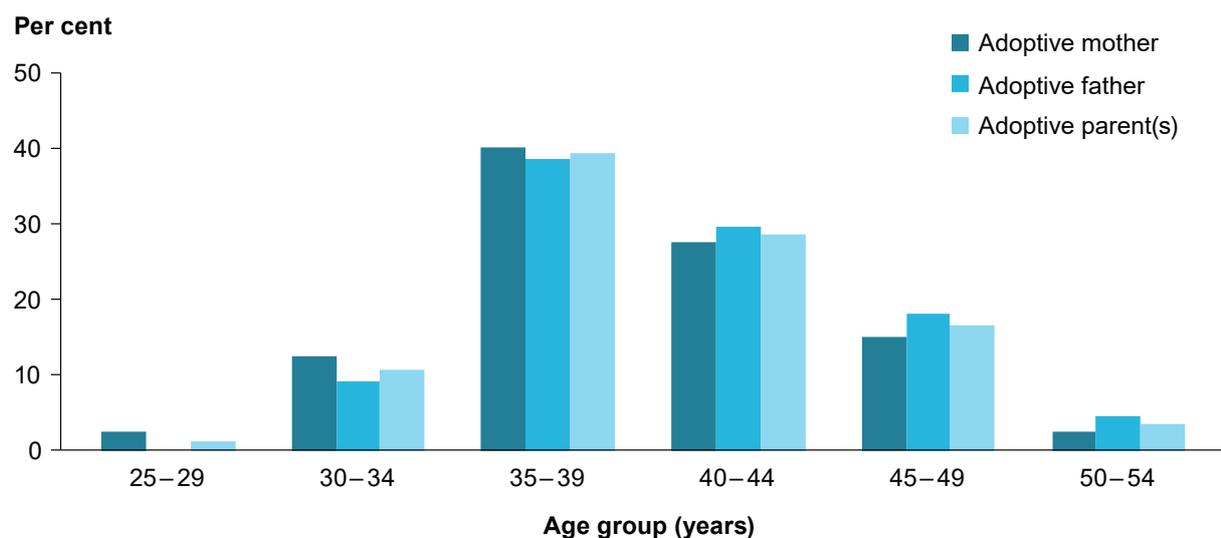
Characteristics of adoptive families

In 2018–19, unlike the mothers of children with a finalised local adoption, 90% of the adoptive parents involved in local adoptions were in a registered marriage, and 10% were in a de facto relationship (AIHW Adoptions Australia data collection).

Local adoptive parents were also generally older than the mothers of adoptees, with almost all (99%) local adoptive parents being aged 30 and over at the time of placement.

Local adoptive parents were younger than those who had adopted through intercountry adoption—49% of parents in local adoptions were aged 40 and over, compared with 64% of those in finalised intercountry adoptions (figures 3.5 and 3.7; Table S16).

Figure 3.7: Local adoptions, by age group of adoptive parent(s), 2018–19



Source: Table S16.

Of local adoptees with a finalised adoption order in 2018–19, more than half (57%) were adopted into families with no other children. A further 21% were adopted into families with other adopted children only, and 18% were adopted into families who had biological children only (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, 2018–19

Composition of the adoptive family	Number	%
No other children in the family	16	57.1
Biological children only	5	17.9
Adopted children only	6	21.4
Both biological and adopted children	—	..
Other	1	3.6
Total^(a)	28	100.0

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

Source: AIHW Adoptions Australia data collection.

Box 3.4: What is influencing the characteristics of adoptive families in local adoptions?

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 in 2018–19, it is likely that these criteria still influenced the characteristics of adoptive parents.

Factors that might have influence the age and relationship status of adoptive parent(s) in local adoptions include specifications in place before 2018–19 on the length of time couples needed to have been in a married or de facto relationship, an increasing tendency for couples to postpone having children, and entering into relationships later in life (Mills et al. 2011).

(continued)

Box 3.4 (continued): What is influencing the characteristics of adoptive families in local adoptions?

Further, while married and de facto couples (including same-sex couples) were eligible to become adoptive parents in all jurisdictions, restrictions still applied for single people wanting to adopt.

The circumstances under which single people could apply to adopt varied for each state and territory, but most only accepted such applicants 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 Section A.1).

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 more than half (57%) of local adoptions finalised in 2018–19, consent for the adoption was given by the mother only. For 38%, both parents provided consent for the adoption. In 5% 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, 2018–19

Type of consent given	Number	%
From mother only ^(a)	24	57.1
From father only ^(b)	—	..
From both parents	16	38.1
Both parents' consent dispensed/not required	2	4.8
Total	42	100.0

(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 showed that the majority (88%) of local adoptions finalised in 2018–19 could be considered 'open'—that is, all parties 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 began in 1998–99, when the local adoption category was introduced. From 1998–99 to 2018–19, open adoption arrangements were consistently the most common form of agreement (generally more than 80% of local adoptions finalised in each year) (Table S21). 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, 2018–19

Type of agreement	Number	%
Contact and information exchange	26	61.9
Contact only	1	2.4
Information exchange only	10	23.8
No contact or information exchange	5	11.9
Total	42	100.0

Source: AIHW Adoptions Australia data collection.

Similar to the 2017–18 proportion, about 3 in 4 (71%) local adoptions finalised in 2018–19 were arranged by a relevant state or territory authority (Table S22; AIHW 2018). The remainder (29%) were arranged by a non-government organisation.

Box 3.5: The nature of adoption has moved from closed to open adoptions

In an open adoption, the identity of all parties is known, and contact between the birth family and the adoptee, either directly or indirectly, is continued throughout the adoptee's life (Monahan & Hyatt 2018).

Contact can include communication through face-to-face meetings, telephone calls, letters, and messages (Luu et al. 2019). Where earlier adoption practices favoured closed adoptions (no contact between the birth and adoptive families), more contemporary practices have pushed for open adoptions to counter some of the negative impacts that past closed adoptions practices had (MacDonald 2016; del Pozo de Bolger et al. 2018).

The perceived benefits of open adoptions include the adoptee growing up with a clear understanding of their background, the removal of the 'unknown' of their birth family, and positive identify formation.

Through an open adoption, the child grows up knowing that they have been adopted, and is supported to remain connected to his or her family of origin and cultural heritage, but some researchers have concluded that the impact of open adoptions depends on several factors that vary across individuals. So, the type and quantity of contact should be assessed on a case-by-case basis (Boyle 2017; Luu et al. 2019).

The push for open adoptions has improved system practices, by ensuring the process and requirements for obtaining consent is more accountable. It has also created higher and more transparent standards for assessing the suitability of prospective adoptive parents (Higgins 2012).

While some jurisdictions encourage open adoptions, Victoria is the only state that legally mandates it, since the Victorian Adoption Act 1984 came into effect. In New South Wales, Queensland, and Western Australia, 'adoption plan' systems have been established to negotiate contact and information exchange between the birth and adoptive families (Monahan & Hyatt 2018).

Contact and adoptive plans are generally negotiated before the adoption, and aim to include the views of the adoptive and birth families. In known child adoptions, for which contact data are not collected, effort is made to include the child perspective on the openness of the adoption (Luu et al. 2019).

Box 3.6: A reflection on past adoption practices

The process of adoption in Australia has a convoluted history, and the very word 'adoption' elicits varied responses, depending on a person's experiences and/or beliefs. The Stolen Generation and forced adoption practices saw children forcibly removed from their families, and have had an ongoing impact on families, cultures, and communities. Both the Stolen Generation and forced adoption practices have been formally apologised for by past Australian Prime Ministers, in February 2008 and March 2013, respectively (DSS 2018).

The Stolen Generation

The Stolen Generation describes the forced removal of Aboriginal and Torres Strait Islander children from their families and communities from about 1910 to 1970 (Human Rights and Equality Commission 1997). Children were sent to missions or institutions, or were adopted by non-Indigenous families, where they were forced to adopt white culture, made to give up all connection to their childhood, and banned from speaking in their traditional language.

The Bringing Them Home report, released in 1997, estimated that up to 33% of Indigenous children were forcibly removed from their families, and that 17% were adopted (Human Rights and Equality Commission 1997).

The Stolen Generation had many immediate and ongoing consequences, not only for the removed children and their families, but also for the communities and subsequent generations of Indigenous Australians.

Subsequent research has determined that the forced removal of Indigenous children has been profoundly disabling, and has resulted in psychological and emotional impacts, which, in turn, have contributed to health, social, and financial inequalities experienced by Indigenous Australians today.

Research, consultation, and associated findings on the ongoing impact of adoption on family, culture, and community has resulted in the introduction of Australian adoption legislation specific to Indigenous children. The Aboriginal and Torres Strait Islander Child Placement Principle establishes child policy and legislation that recognises the importance of each Indigenous child remaining connected to family, culture, community, and country (see Section 4.2) (Tilbury 2013).

Forced adoption practices

In the decades before the mid-1970s, it was common for children of unmarried women to be adopted, with many forcibly taken (Higgins 2012). While the circumstances around adoption varied for different individuals, some mothers were drugged, shackled to beds, prevented from naming or holding their baby, or purposely not informed of available Government payments (SCARC 2012).

There are no definitive data on the number of forced adoptions, but the Senate Community Affairs References Committee report estimates 140,000–150,000 adoptions took place in 1951–1975 (SCARC 2012). Forced adoption practices had, and continue to have, wide ranging negative impacts on mothers, fathers, families, and adoptees, with many experiencing ongoing trauma as a result of their adoption experience.

Those affected by these past practices and their advocates have been highly influential in changing how adoption processes in Australia operate today, with a greater emphasis on openness, family preservation, and keeping children connected to community and culture.

3.4 Known child adoptions

In 2018–19, 211 known child adoptions were finalised (Table 3.11)—a fall of 9% on the previous year (Table S23). Despite the decline, known child adoption was the largest category of adoption in 2018–19, accounting for 68% of all adoptions.

Table 3.11: Known child adoptions, by state and territory, 2018–19

State/territory	Number ^(a)	%
NSW	165	78.2
Vic	3	1.4
Qld	7	3.3
WA	20	9.5
SA	—	..
Tas	8	3.8
ACT	3	1.4
NT	5	2.4
Australia	211	100.0

(a) Number of adoptions includes children aged 18 and over (see tables S2 and S23).

Source: AIHW Adoptions Australia data collection.

In 2018–19, 67% of known child adoptions finalised were by carers (such as foster parents), up from 63% in 2017–18 (tables 3.12 and S25). The majority of known child adoptions by carers (136 of 142) occurred in New South Wales, as was the case for 2017–18 (142 of 147) (AIHW Adoptions Australia data collection). This reflects the state’s policies that promote adoption to achieve stability for children under the long-term care of state child protective services when family restoration is not considered appropriate.

Table 3.12: Known child adoptions, by relationship of adoptive parent(s), 2018–19

Relationship of the adoptive parent(s)	Number ^(a)	%
Carer	142	67.3
Step-parent	65	30.8
Relative ^(b)	3	1.4
Other	1	0.5
Total	211	100.0

(a) Includes 32 children aged 18 and over.

(b) Includes relatives other than step-parents.

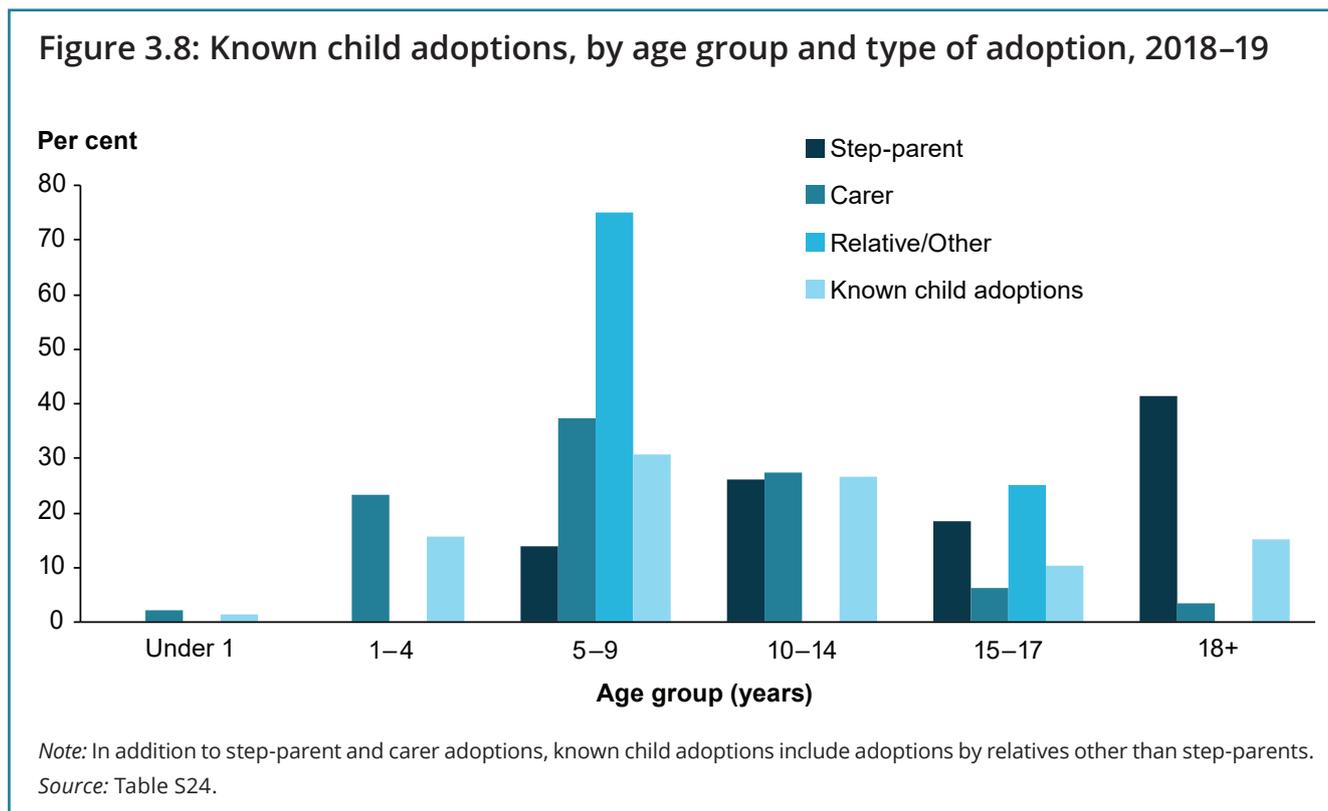
Source: AIHW Adoptions Australia data collection.

Characteristics of adopted children

Australian children in known child adoptions were generally older than children in local or intercountry adoptions. In 2018–19, 110 of the 211 (52%) known child adoptees were aged 10 and over. In comparison, 2% of children in local adoptions, and 12% of children in intercountry adoptions were aged 10 and over (Table S2).

Children aged under 5 comprised 17% of known child adoptions, compared with 98% of local adoptions, and 65% of intercountry adoptions (Table S2; Figure 3.8). Due to the longer time involved in forming step-families, the proportion of adoptions by step-parents (31% of known child adoptions finalised in 2018–19) influences the proportion of older age children seen in the known child adoption category (Table S24).

Of the known child adoptions finalised in 2018–19, 86% of the children in step-parent adoptions were aged 10 and over, compared with 37% of children in carer adoptions (Table S24; Figure 3.8).



Data on sibling adoptions were only collected for carer (known child) adoptions in 2018–19. These data showed that, of the 142 carer adoptions, about 2 in 5 (39%) adoptees were adopted as part of a sibling group. In total, 55 adoptees were adopted as part of 23 sibling groups. That is, 1 child and at least 1 of their siblings were adopted into the same family at the same time.

More males (112) than females (99) were the subjects of finalised known child adoptions in 2018–19. Although numbers were generally even across age groups, there were comparatively more males than females aged 10–14 (Table S2).

Characteristics of adoptive families

The marital status of people involved in carer (known child) adoptions was very different to that of intercountry and local adoptions. Although the majority of adoptive parents involved in carer adoptions were in a registered marriage (68%), adoptive parents who were in de facto couples or single people were more likely than in intercountry or local adoptions. In 2018–19, while intercountry adoptions had 1 adoption by a single person, and local adoptions had none, 17% of adoptive parents involved in carer (known child) adoptions were single (Table 3.13).

Table 3.13: Carer (known child) adoptions, by marital status of the adoptive parent(s), 2018–19

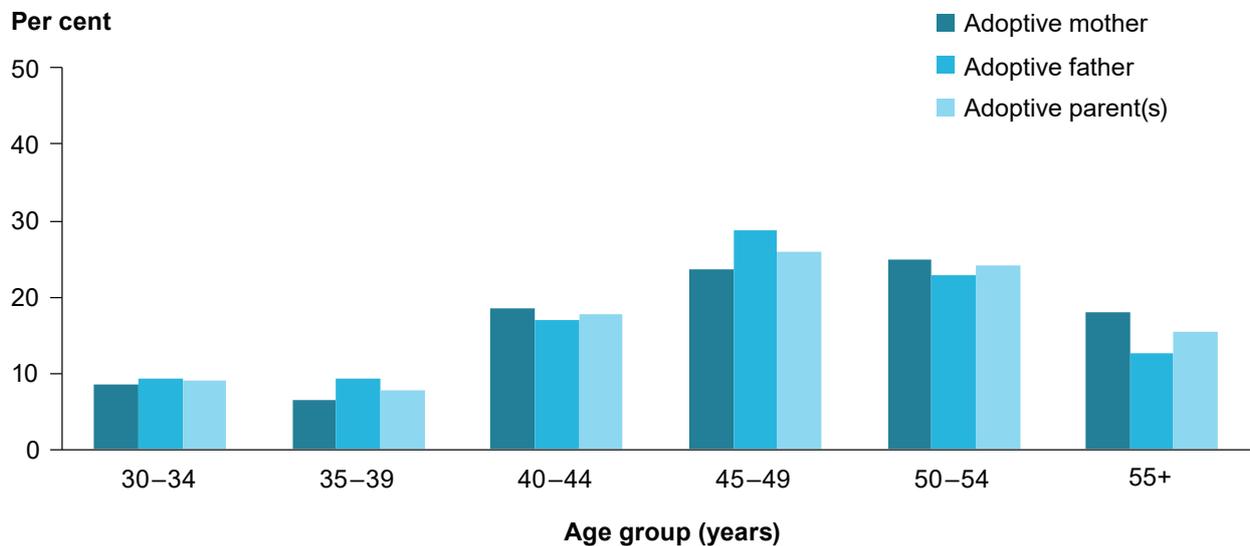
Marital status of the adoptive parent(s)	Number	%
Registered married couple	96	67.6
De facto couple	22	15.5
Single person ^(a)	24	16.9
Total	142	100.0

(a) Might include widowed parents.

Source: AIHW Adoptions Australia data collection.

Compared with 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 older. Only 12% of adoptive parents in intercountry adoptions, and 4% of those in local adoptions were aged 50 and over, compared with 2 in 5 (40%)

Figure 3.9: Carer (known child) adoption, by age group of adoptive parent(s), 2018–19



Note: Excludes 2 unknowns

Source: Table S16.

Of those adoptees who were adopted as part of a carer (known child) adoption in 2018–19, half were adopted into families with no other children, 33% were adopted into families with biological children only, and 17% were adopted into families with adopted children only (excluding adoptions for New South Wales, for which these data were not available) (Table 3.14).

Table 3.14: Carer (known child) adoptions, by composition of the adoptive family, 2018–19

Composition of the adoptive family	Number	%
No other children in the family	3	50.0
Biological children only	2	33.3
Adopted children only	1	16.7
Both biological and adopted children	—	..
Other	—	..
Total^(a)	6	100.0

(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 carer (known child) adoptions

State and territory legislation governing carer (known child) adoption requires that consent for adoption be received from both parents, or that there are grounds for dispensation of 1 or both parents' consent. Dispensation of consent is usually provided by the relevant court in each state/territory in circumstances where the parent(s) cannot be found, where the parent(s) are unable to give consent

themselves, or where there is a history of abuse that has led to the child being removed from their care for an extended period.

For carer (known child) adoptions finalised in 2018–19, consent from both parents occurred in 6% cases. Consent from only the birth mother was given in 9% of cases, and consent was given by the birth father only in 6% of cases. For 78% of adoptions by known carers, consent of both parents for the adoption was dispensed or not required (Table 3.15).

Table 3.15: Carer (known child) adoptions, by type of consent, 2018–19

Type of consent given	Number	%
From mother only ^(a)	13	9.2
From father only ^(b)	9	6.3
From both parents	9	6.3
Both parents' consent dispensed/not required	111	78.2
Total	142	100.0

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

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

Source: AIHW Adoptions Australia data collection.

Box 3.7: Does the adoptee have a say in their adoption?

Research has shown that, regardless of age, children want to be involved in the decisions around their adoption (Cox et al. 2007).

In all jurisdictions, the child must be consulted if they are aged 12 and over, and their consent must be obtained before an adoption order is made. The court may dispense with the child's consent if the adoption is believed to be in their best interest (Monahan & Hyatt 2018).

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 could 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 2018–19, 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. The extent of these rights, and of the protection of the privacy of parties to the adoption, varied among the jurisdictions (see Appendix A Section A.2).

Information applications

All states and territories had adoption information services, or information and contact registers (or other similar systems) in place in 2018–19, but the requirements for accessing information about a past adoptions differed for each jurisdiction (see Appendix A Section 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 includes details of 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 2018–19 was broadly consistent with the previous year, with:

- 2,691 information applications made—92% of these for identifying information
- almost three-quarters (69%) of identifying information applications being made by adoptees, and 7% by birth parents
- 45% of non-identifying information applications being made by adoptees, and 6% by birth parents
- most adoptees seeking information being aged 45 and over (72%)
- more female adoptees (55%) lodging information applications than male adoptees (45%) (tables 3.16 and 3.17).

Table 3.16: Information applications lodged, by person lodging application and information type, 2018–19

Person lodging the application	Number	%
Identifying information		
Adoptee	1,706	69.1
Adoptive mother	2	0.1
Adoptive father	7	0.3
Birth mother	148	6.0
Birth father	32	1.3
Other birth relative(s)	221	9.0
Other adoptive relative(s)	67	2.7
Child of adoptee	251	10.2
Unknown	34	1.4
Total	2,468	100.0
Non-identifying information		
Adoptee	101	45.3
Adoptive mother	8	3.6
Adoptive father	11	4.9
Birth mother	9	4.0
Birth father	4	1.8
Other birth relative(s)	9	4.0
Other adoptive relative(s)	53	23.8
Child of adoptee	26	11.7
Unknown	2	0.9
Total	223	100.0

Notes

1. Percentages might not add to 100%, due to rounding.
2. Data predominantly relate to applicants who were party to a local adoption. Very few applicants were party to an intercountry adoption.

Source: AIHW Adoptions Australia data collection.

Table 3.17: Adult adoptees who lodged information applications, by Indigenous status, age group, and sex, 2018–19

Age group (years)	Indigenous Australians			Other Australians			Total			%
	Male	Female	Persons	Male	Female	Persons	Male	Female	Persons	
18–19	—	—	—	2	6	8	2	6	8	0.7
20–24	—	2	2	16	21	37	16	23	39	3.4
25–34	—	2	2	35	64	99	35	66	101	8.9
35–44	2	7	9	82	80	163	84	87	172	15.0
45+	21	21	42	357	417	774	378	438	816	71.7
Total^(a)	23	32	55	494	589	1,084	517	621	1,139	100.0
%^(b)	41.8	58.2	4.8	45.6	54.4	95.2	45.4	54.6	100.0	100.0

(a) Total males, females, and persons include people of unknown age and/or sex.

(b) Percentages exclude 1 female and 2 male/s whose age was unknown, and 1 person whose sex was unknown.

Notes

1. Percentages might 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. This occurs through the lodgement of a veto. In 2018–19, there were 2 types of vetoes in Australia:

1. **Identifying information vetoes** are used when a party to an adoption requested that identifying information not to be released to any other party to the adoption.
2. **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 lodged a contact or information veto can lift the veto.

Access to each veto type varied across states and territories. 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. See Appendix A Section A.3 for more information on how these vetoes work in each jurisdiction.

The number of contact and identifying information vetoes lodged in 2018–19 (9) was less than one-quarter of what was lodged in the previous year (44) (Table 3.18; AIHW 2018).

On 30 June 2019, 8,527 contact and identifying information vetoes were in place—a slight decline from the 8,609 that were in place at 30 June 2018 (Table 3.18; AIHW 2018).

Table 3.18: Vetoes lodged during 2018–19 or in place at 30 June 2019, by the person who lodged the veto

Measure	Person who lodged the veto							Total
	Adoptee	Adoptive mother	Adoptive father	Birth mother	Birth father	Other birth relative	Other adoptive relative	
Contact vetoes								
Vetoes lodged during the year	2	—	—	1	—	—	—	3
%	66.7	..	..	33.3	..	..	..	100.0
Vetoes in place at 30 June	4,307	28	412	3,030	76	177	6	8,036
%	53.6	0.3	5.1	37.7	0.9	2.2	0.1	100.0
Identifying information vetoes								
Vetoes lodged during the year	2	2	—	2	—	—	—	6
%	33.3	33.3	..	33.3	..	..	..	100.0
Vetoes in place at 30 June	308	17	14	139	9	—	4	491
%	62.7	3.5	2.9	28.3	1.8	..	0.8	100.0
Total								
Vetoes lodged during the year	4	2	—	3	—	—	—	9
%	44.4	22.2	..	33.3	..	..	..	100.0
Vetoes in place at 30 June	4,615	45	426	3,169	85	177	10	8,527
%	54.1	0.5	5.0	37.2	1.0	2.1	0.1	100.0

Note: Percentages might not add to 100%, due to rounding.

Source: AIHW Adoptions Australia data collection.

The majority of contact and identifying information vetoes lodged in 2018–19 (44%), and those in place at 30 June 2019 (54%) were lodged by the adoptee. Birth mothers were the next highest percentage to lodge vetoes (33%) or have vetoes in place (37%) (Table 3.18).

While the number of contact and information vetoes lodged each year has fluctuated between 9 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 have been lodged in recent years—2,691 in 2018–19, compared with 6,252 in 1994–95 (Table S26).

In 2018–19, as in previous years, the number of applications for information (2,691) far exceeded the number of vetoes lodged against contact or the release of identifying information (9) (tables 3.16 and 3.18).

4 Trends in adoption in Australia

Key findings:

- Adoption numbers declined 64% over the past 25 years—from 855 in 1994–95 to 310 in 2018–19. However, since a low of 278 adoptions in 2015–16, there has been a rise of 12%. This increase is due to a 40% rise in known child adoptions from 2015–16 to 2018–19.
- Although 2018–19 saw a 9% fall of known child adoptions from the previous year. Between 2003–04 and 2018–19, the number of known child adoptions rose by 258% (from 59 to 211 adoptions).
- From 2011–12 to 2018–19, the main country of origin for intercountry adoptions varied between the Philippines, Taiwan, and South Korea.
- The median waiting time for an intercountry adoption was 2 years and 1 month in 2018–19. Previously, the median waiting time peaked at 5 years and 4 months (64 months) in 2014–15.
- The proportion of intercountry adoptions involving sibling groups rose from 9% in 2008–09 to 21% in 2018–19.
- Of the 126 Indigenous child adoptions over the past 25 years, 41% were by Indigenous Australians.

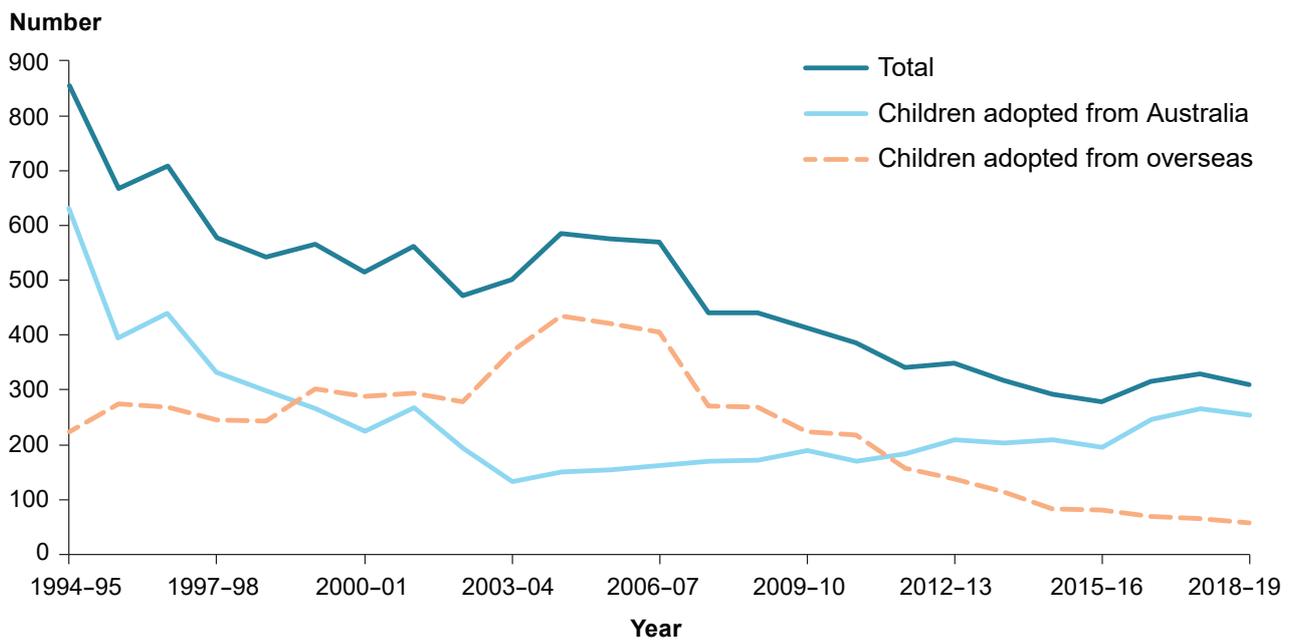
This chapter presents trend data for adoptions in Australia. Where possible, 25 years of data—back to 1994–95—are presented. Due to the small size of the population, trend analyses over extended periods (such as those included in this chapter) can provide more robust and meaningful insights than analyses of change over shorter periods.

The number of finalised adoptions in Australia has continued to fall over the past 25 years. In 1994–95, 855 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, and 310 adoptions finalised in 2018–19. An overall decline of 64% has occurred since 1994–95, with a 25% decline over the past decade (Table S27; Figure 4.1).

The fall in the overall number of adoptions from 1994–95 to 2003–04 was primarily driven by the falling number of domestic adoptions of Australian children (comprising local and known child adoptions) (Figure 4.1).

Between 1994–95 and 2003–04, the number of annual adoptions of Australian children fell from a high point of 631 to 132—a 79% decline. Since that lowest point, the combined total for local and known child adoptions slowly rose, before plateauing from 2012–13, at about 200. This number rose again in 2016–17 (to 248) and in 2017–18 (to 265), before falling in 2018–19, when 253 adoptions of Australian children were finalised.

Figure 4.1: Adoptions, by child's origin, 1994-95 to 2018-19



Source: Table S27.

While the number of adoptions of Australian children in rose by 92% between 2003-04 and 2018-19, it fell overall by 60% over the 25-year period (Table S27). The main change from 2003-04 to 2018-19 was in New South Wales, with combined local and known child adoptions rising from 49 to 179 during this period. In the remaining states and territories, numbers remained relatively stable (tables S17 and S23).

During the 25-year period, the number of intercountry adoptions followed a different trend. After slowly rising from 224 in 1994-95, intercountry adoptions peaked at 434 in 2004-05. The number of finalised intercountry adoptions then began to steadily fall, reaching a low of 57 in 2018-19, representing the 14th consecutive year of decline.

This was a substantial fall of 75% across the 25-year period, and a fall of 87% since the peak in 2004-05 (Table S27; Figure 4.1). In 2018-19, more Australian children (82%) had their adoption order finalised than children from overseas (excluding expatriate adoptions) (18%). This has been the case since 2011-12, which was the first time this occurred in the period following 1998-99 (Table S27; Figure 4.1).

4.1 Trends in categories of adoption

Adoptions 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 long-term trends in adoptions of Australian children using categories of relative and non-relative adoptions.

While the numbers of Australian children adopted by relatives and non-relatives fell overall from 1994–95 to 2018–19 (79% and 41% declines, respectively), and proportions of each 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. Of Australian children who had an adoption order finalised in 2018–19, 73% were adopted by non-relatives (Table S28; Figure 4.2).

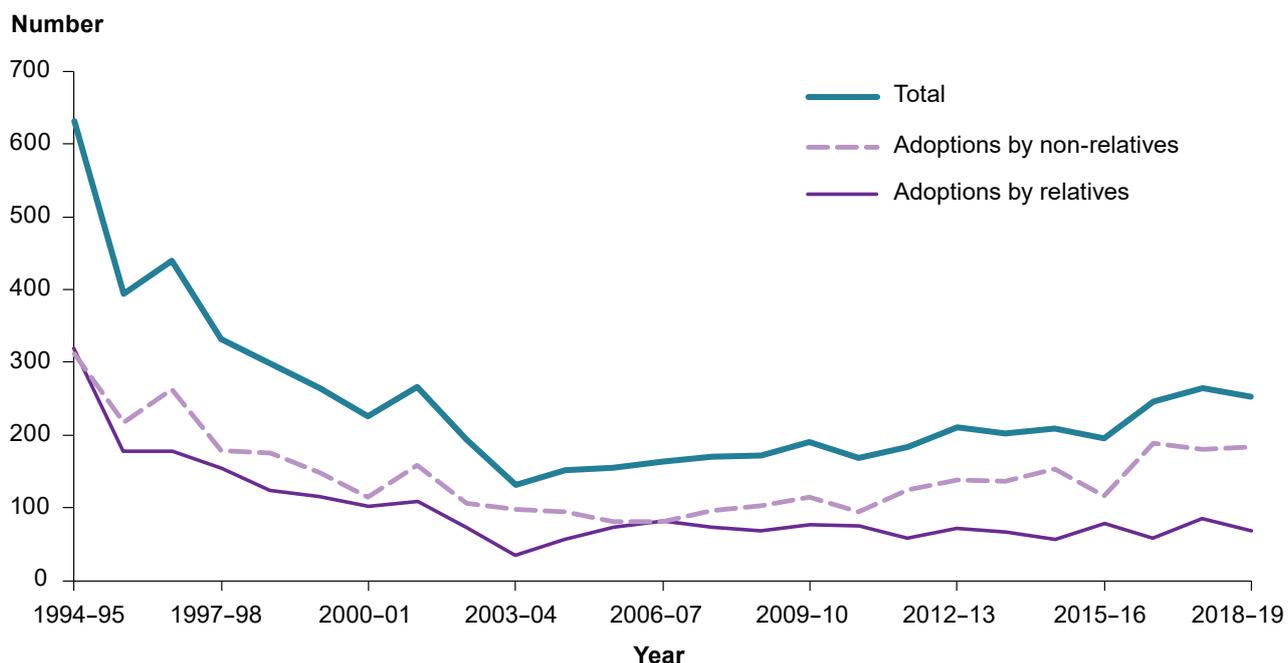
Box 4.1: Why have the number of domestic adoptions declined?

The fall in the number of adoptions of Australian children 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 Section 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. Commencing around 2012–13, where reunification with the family of origin was 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.

Figure 4.2: Adoptions of Australian children, by relationship to adoptive parent(s), 1994–95 to 2018–19



Note: ‘Relative’ comprises step-parents, other relatives (such as grandparents, aunts, and uncles), relative/kinship carers, and commissioning (surrogate) parents. ‘Non-relatives’ comprises foster carers and other non-relatives.

Source: Table S28.

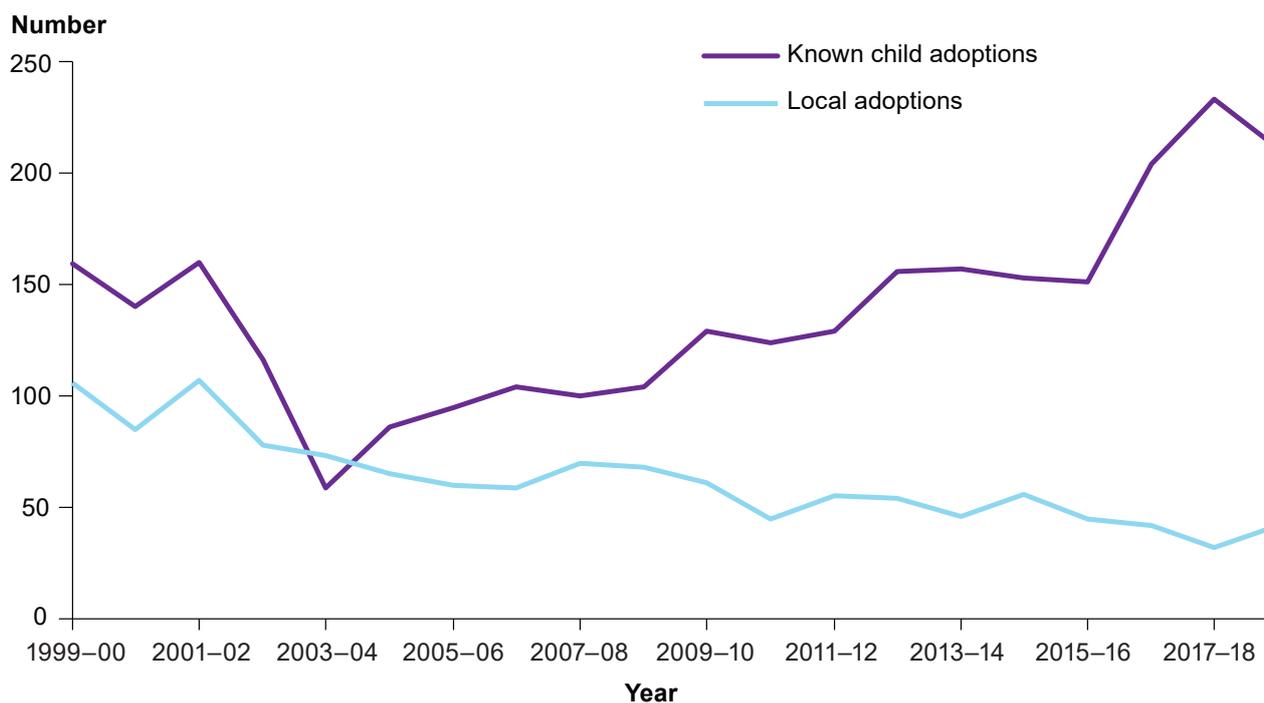
From 1998–99, adoptions of Australian children can be explored by categories of known child adoptions and local adoptions. Looking at a 20-year period from 1999–00 to 2018–19, the number of local adoptions gradually fell—from 106 in 1999–00 to 42 in 2018–19, with some fluctuations. In contrast, despite falling initially, the number of known child adoptions has increased since 2003–04, with a sharp rise seen in 2016–17 (Figure 4.3).

Between 2000–01 and 2018–19, the proportion of known child adoptions by step-parents fluctuated, peaking at 77% in 2000–01 and falling to a low of 28% in 2016–17. In 2018–19, step-parent adoptions accounted for 31% of known child adoptions (Table S25).

The proportion of known child adoptions by step-parents is directly influenced by the increase in carer (known child) adoptions towards the latter part of the 20-year period. With the exception of 2015–16, between 2011–12 and 2018–19, more carer (known child) adoptions were finalised than step-parent adoptions.

Although the number of known child adoptions by carers declined slightly between 2017–18 and 2018–19 (from 147 to 142), between 2008–09 and 2018–19, carer adoptions rose by 306% (Table S25) (see section ‘1.2 Recent developments’ for a discussion for factors that have contributed to this rise).

Figure 4.3: Adoptions of Australian children, by known child or local adoption, 1999–00 to 2018–19



Sources: Tables S17 and S23.

Adoptions of children born overseas

In Australia, between 1999–00 and 2010–11, more intercountry adoptions were finalised each year than domestic adoptions of Australian children (local and known child adoptions combined).

Between 1999–00 and 2004–05, the proportion of all finalised adoptions that was accounted for by intercountry adoptions rose from 53% to 74%, with the highest number of intercountry adoptions finalised in 2004–05 (434). Intercountry adoptions then steadily declined, with 2018–19 marking the 14th consecutive year of decline (Table S27).

Since 2008–09, an average of 134 intercountry adoptions were finalised each year in Australia. At less than half this number, the 57 intercountry adoptions finalised in 2018–19 is indicative of the consistent long-term decline in such adoptions (Table S27). This decline occurred in most states and territories, but the Northern Territory reported a small rise between 2017–18 and 2018–19 (Table S4).

This trend is similar to global trends in intercountry adoptions. 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, with some exceptions—numbers rose in Canada and Italy to 2009 (and continued 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).

Box 4.2: Why have the number of intercountry adoptions declined?

The decline in intercountry adoptions is not unique to the Australian context—a two thirds decline in intercountry adoptions between 2004 and 2013 was also reported among other receiving countries (Mignot 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 who can be adequately cared for within their own country.

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 imposed by overseas countries for adopting children 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:

- As at July 2018, Australia's programs with Bolivia and Fiji were 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.
- Australia's program with Lithuania has been inactive, due to Lithuanian requirements.
- The program with Ethiopia closed on 28 June 2012 (DSS 2017).
- Some countries of origin, such as Thailand, have restricted the number of applications they accept to help manage the large numbers of applications on their waiting lists.
- Other countries, 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, reducing the number of adoptions finalised from South Korea, although, from 2015–16, there has been a small rise (IAA 2019b).

Country of origin

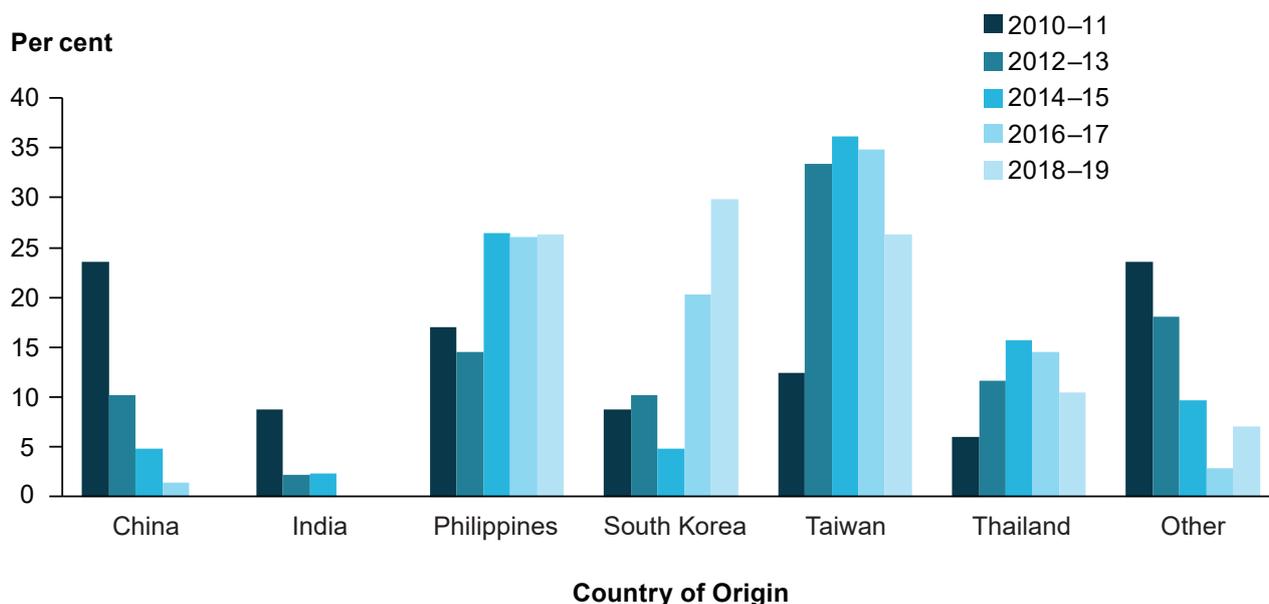
Due to the changes noted in Box 4.2, the number and proportion of finalised intercountry adoptions that can be attributed to particular countries of origin each year have fluctuated, and the main country of origin has changed over time.

For example, from 2009–10 to 2017–18, the main country of origin varied between China, the Philippines, and Taiwan (Table S8). The proportion of adoptions from China declined substantially in that time, from its peak in 2010–11 (24%) to no adoptions in 2018–19.

Despite some fluctuations, the proportion of adoptions from India also declined, as a result of the 2010 hold on sending new adoption applications, from 10% in 2009–10 to no adoptions in 2018–19.

Since 2009–10, annual proportions varied for the Philippines (from a low of 14% in 2017–18 to a high of 27% in 2014–15), Taiwan (12% in 2009–10 to 36% in 2014–15), Thailand (6% in 2010–11 to 22% in 2015–16), and South Korea (5% in 2014–15 to 30% in 2018–19) (see 'Asian countries of origin' in this section, for further information on changing patterns of adoption from these countries) (Table S8; Figure 4.4).

Figure 4.4: Intercountry adoptions, by child's country of origin, 2010–11 to 2018–19 (biennial)



Note: 'Other' comprises Bolivia, Bulgaria, Chile, Colombia, Ethiopia, Hong Kong, Lithuania, Sri Lanka, and Turkey.

Source: Table S8.

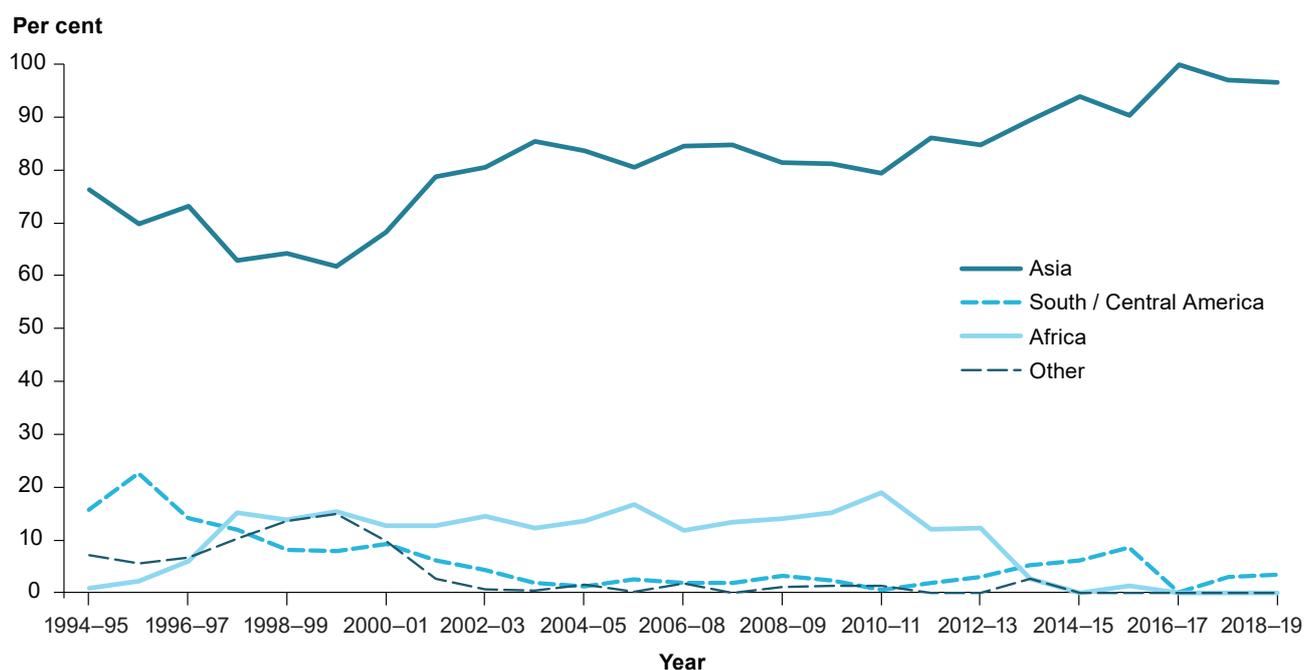
The majority of intercountry adoptions in Australia have consistently been from Asia. In 2018–19, the majority (96%) of finalised intercountry adoptions in Australia were from Asian countries.

The proportions of children adopted to Australia from Africa and South or Central America have also changed considerably. Since 2016–17, no adoptions from Africa have been finalised. This is a marked change from 2010–11 when 19% of finalised intercountry adoptions came from African nations (Table S7; Figure 4.5). This is directly attributable to the closure of the Ethiopia adoption program in 2012. After peaking at 70 in 2005–06, finalised adoptions from Ethiopia declined to 1 in 2015–16, with no further adoptions being finalised through Australian authorities after this period (AIHW Adoptions Australia data collection).

The percentage of children adopted from South or 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 or Central America had been rising since 2010–11, due to the adoption of children from Colombia and Chile in recent years. However, only 2 such adoptions were recorded in 2018–19 (Table S7; Figure 4.5).

Adoptions from Romania were responsible for the rise 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).

Figure 4.5: Intercountry adoptions, by child's region of origin, 1994–95 to 2018–19



Note: 'Other' comprises Europe, North America, and Oceania (excluding Australia).

Source: Table S7.

Asian countries of origin

There have been some notable changes among Asian countries of origin since the early 1990s. South Korea was the most common country of origin of annual finalised intercountry adoptions between 1991–92 and 2002–03. 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. China was the most common country of origin between 2003–04 and 2008–09 (AIHW 2010).

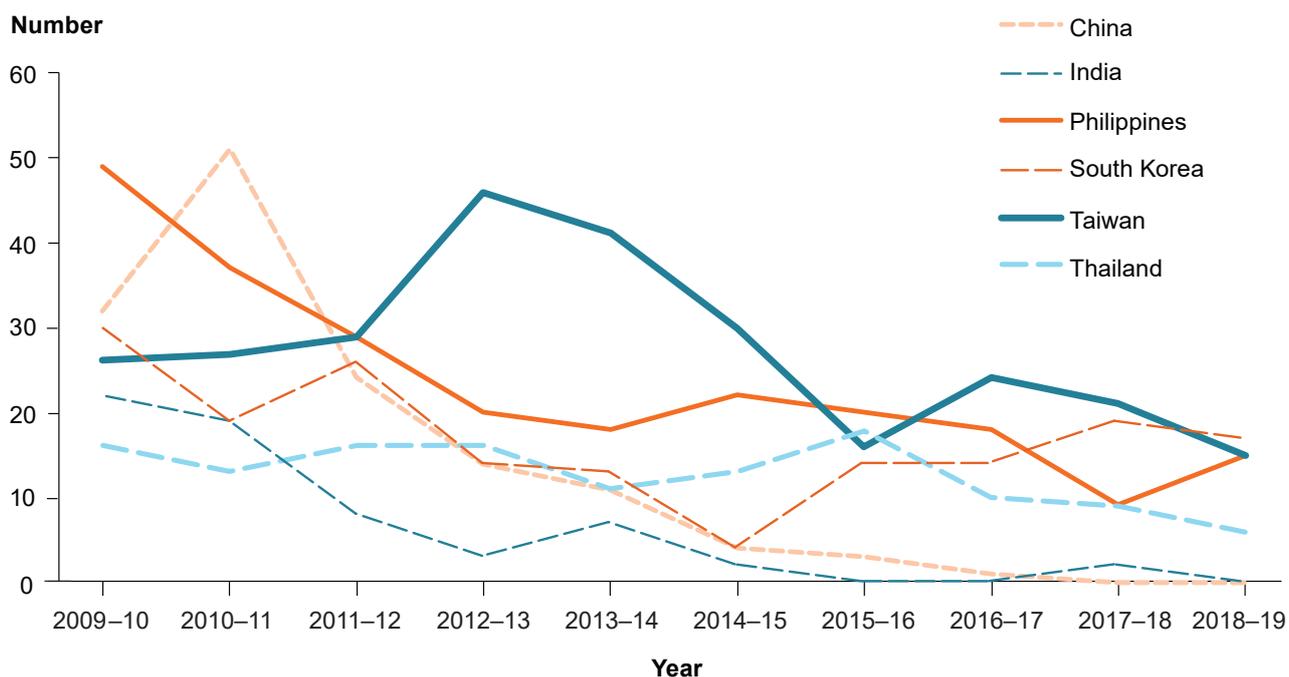
Like South Korea, China has introduced more stringent regulations for foreign adoptions, and put greater emphasis on local adoption solutions, in an effort to find permanent homes for children in their own country (Riley & Van Vleet 2012).

Between 2010–11 and 2018–19, adoptions from China declined dramatically, with no adoptions from China finalised in 2017–18 or 2018–19.

Although the number of adoptions from South Korea fell from 30 in 2009–10 to 4 in 2014–15, 14–19 adoptions from South Korea have been finalised each year since 2015–16, with 17 occurring in 2018–19 (Table S8; Figure 4.6).

Taiwan was the main country of origin between 2011–12 and 2014–15 (although it shared this position with the Philippines in 2011–12). In 2015–16, the Philippines was the main country of origin, shifting back to Taiwan in 2016–17 and 2017–18. In 2018–19, South Korea became the main country of origin for the first time since 2002–03, accounting for 17 of the 57 (30%) finalised intercountry adoptions (Table S8; Figure 4.6).

Figure 4.6: Intercountry adoptions, by selected countries of origin, 2009–10 to 2018–19



Source: Table S8.

Processing times

The median length of time from when a prospective adoptive parent became an official client of a state or territory adoption authority, to when a child was placed in their care steadily rose from 37 months (or just over 3 years) in 2007–08 to 64 months (more than 5 years) in 2014–15. The median time then dropped for 2 consecutive years, to 33 months in 2016–17, before rising again slightly in 2017–18, then falling to the lowest median time of 25 months in 2018–19 (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, at 8–12 months (9 months in 2018–19).

The time from when an approval decision was made, to when the file was sent overseas has varied, at 1–6 months over the same period (1 month in 2018–19).

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, from a high of 37 months in 2012–13 to just 2 months in 2018–19 (Table 4.1)—although the median time for Thailand remained high (29 months) (Table 3.3).

The time from when a child has been allocated, to when the child is placed with the adoptive parent(s) steadily rose—from a median of 3 months in 2007–08 to 10 months in

2018–19. In 2018–19, this component of the intercountry adoption process became the longest median period for the first time (Table 4.1).

Table 4.1: Median length of time for the intercountry adoption process, by steps in the process, 2007–08 to 2018–19 (months)^(a)

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 ^(b)
2007–08	10	3	19	3	37
2008–09	11	4	18	4	42
2009–10	10	3	18	5	45
2010–11	9	3	29	4	49
2011–12	8	4	30	5	56
2012–13	9	3	37	5	61
2013–14	9	6	27	6	60
2014–15	12	5	20	6	64
2015–16	10	5	12	7	41
2016–17	8	2	9	7	33
2017–18	9	2	9	8	35
2018–19	9	1	2	10	25

(a) This table includes all children who were placed with their adoptive families from 2007–08 to 2018–19, by the length of time each process took before the child was placed.

(b) 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.

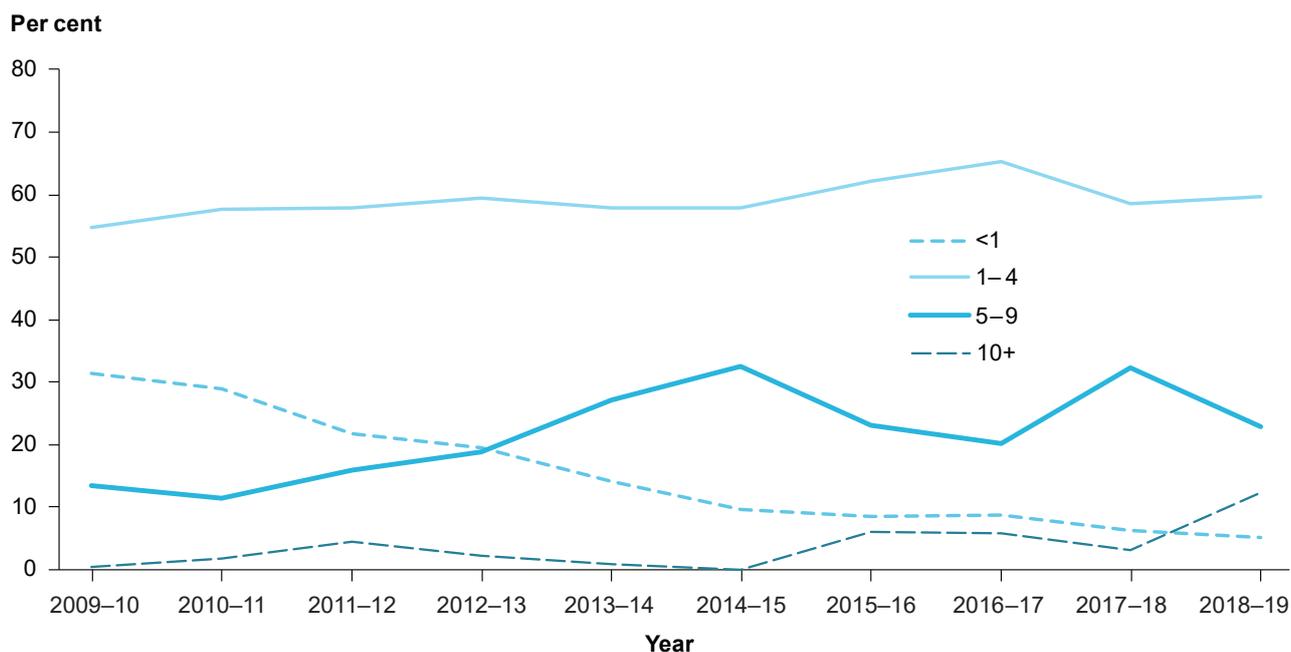
Adoptions of children aged under 5

While the *Adoptions Australia* report has previously reported on median processing times for infants (children under the age of 1), only 4 infants were placed in 2018–19, with 1 excluded from calculations, due to an unusual adoption pathway creating significant delays. As such, only 3 infant placements were available, making it unsuitable to report on median processing times. In previous years, with the exception of 2010–11, median processing times for infants have been consistently shorter than for all other age groups since 2008–09 (AIHW 2018).

In 2018–19, the median processing time for children aged under 5 was relatively similar to that of children aged 5 and over. As with the overall waiting time, the longest waiting time for children aged under 5 was the time between when the child was allocated, to when they were placed with the family (AIHW Adoptions Australia data collection).

The proportion of infant intercountry adoptees whose adoptions were finalised substantially declined from 31% in 2009–10 to 5% in 2018–19 (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).

Figure 4.7: Intercountry adoptions, by age group of child, 2009–10 to 2018–19



Source: Table S9.

Box 4.3: What influences processing times for intercountry adoptions?

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.

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 adoption of children with special needs—including adoptions of older children and sibling groups.

Countries have also adapted their eligibility criteria for prospective adoptive parents. 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, China and Colombia) (IAA 2019b).

Based on available data, it is difficult to determine whether the specific adoption programs for children with special needs, and the broader range of prospective adoptive parents allowed under these programs are reducing processing times.

It is possible that these factors, combined with work by Australian adoption authorities in the earlier stages of the adoption process to educate prospective adoptive parents about the needs of children in these programs, are helping to improve the matching of appropriate parents with children.

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.

In Australia, for intercountry adoptees, data are only available on changes in living arrangements for adoptees within the first 12 months following an adoption placement. These data provide an incomplete, but approximate, measure of the incidence of adoption disruption, but not dissolution.

The data show that all intercountry adoptees who were placed for adoption in 2017–18 were still with their adoptive families 12 months later (excluding those placed in Western Australia, where data were not available). 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).

Box 4.4: What does the research say about post-order disruption?

While not specific to adoption in the Australian context, a study in the United Kingdom reported a rate of about 3% for post-order disruption in England and Wales.

Several factors were found to increase the risk of adoption arrangements breaking down. The study found that the adolescent years posed the greatest risk to an adoption arrangement, with 10 times the risk of post-order disruption for children aged 11–18 than for children aged under 4.

The age of the adoptee at the time of placement was also a significant factor. Children aged over 4 at the time of placement were 13 times as likely to experience post-order disruption as those placed as infants. Taking longer than a year to finalise an adoption after placement, and adoptees with multiple care placements before adoption also increased the risk of post-order disruption (Wijedasa & Selwyn 2017).

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, those with a history of physical abuse, 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).

Due to the lack of linkable adoptions data in the Australian context, comparative analyses are not possible (see 'Limitations of existing data' in the data quality statement at <https://meteor.aihw.gov.au/content/index.phtml/itemId/722746>).

Adoptions of children with special needs

Special needs in the Australian adoption context is defined as the level of resources or support services required by the adoptee and/or their adoptive family to foster healthy development and wellbeing, to support positive family functioning, and to prevent adoption disruption (AIHW Adoptions Australia dataset specification).

While this definition varies across countries of origin, in general, older children, sibling groups, and those with a higher identified level of need represent a growing proportion of the children for whom intercountry adoption is used as an option for creating permanent care arrangements (Mignot 2015).

Box 4.5: What led to the reporting on special needs data?

Children with special needs represent a growing proportion of the children for whom intercountry adoption is deemed appropriate.

The process for matching a child with special needs to an appropriate family can be more difficult than for children with less complex backgrounds, with fewer prospective adoptive parents willing and able to provide suitable care for these children.

Many children with special needs might require long-term therapeutic and support services, and intensive parenting to promote secure attachments. This has implications for programs preparing and educating prospective parents, and those supporting adoptive parents and children after adoption.

As such, adoptions of children with special needs is an area of importance in the Australian adoption context. However, before 2018–19, there has been limited information at the national level on adoptions of children with special needs.

Following the report of the Interdepartmental Committee on Intercountry Adoption (PM&C 2014), DSS agreed to fund the AIHW to begin a feasibility study exploring potential special needs data development. A working group was formed that included representation from state and territory central adoption authorities and Australian Government agencies.

Development work focused on defining special needs in the intercountry adoption context and agreed national data specifications. Before the project, the term ‘special needs’ was rarely defined, or not used consistently across Australia, making it difficult to capture an accurate representation of these adoptions.

Data are reported for the first time in this section.

Older children

Finding a suitable adoptive family can be more difficult for older children (Tan et al. 2007).

The proportion of intercountry adoptees aged 5–9 has declined since 2017–18, but rose overall since 2008–09. In 2008–09, this age group comprised 11% of all intercountry adoptions, and by 2018–19 it accounted for 23%.

The proportions of adoptees aged 10 and over also rose recent years, from 1% of all intercountry adoptions in 2008–09 to a high point of 12% in 2018–19.

Box 4.6: Why do children adopted at an older age have additional needs?

Many prospective adoptive parents are seeking a younger child because 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).

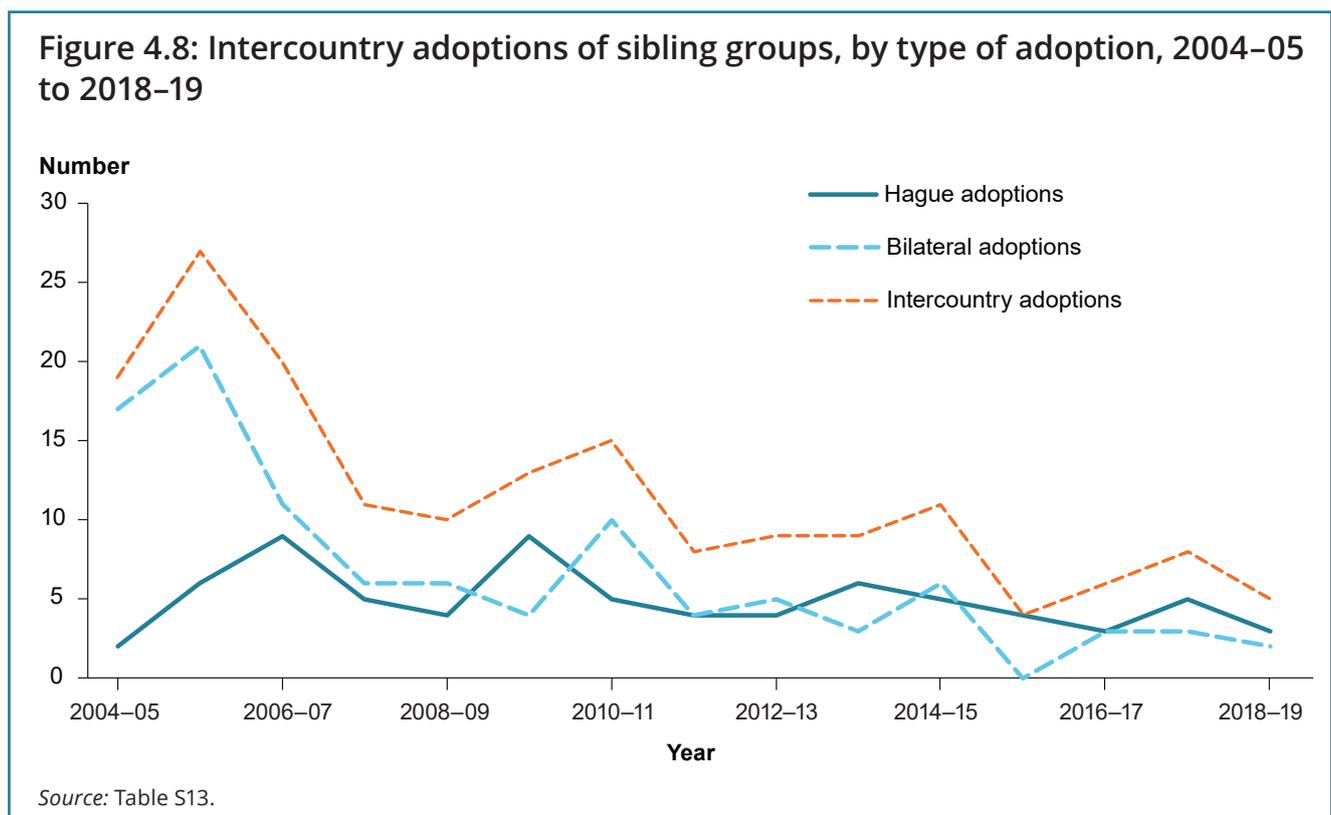
Sibling adoptions

Sibling groups represent a growing proportion of the children for whom intercountry adoption is still used as an option for creating permanent care arrangements (Mignot 2015). In general, the number of sibling group adoptions has declined, but the proportion of children being adopted as part of a sibling group has risen. However, both the number of sibling group adoptions, and the proportion of children being adopted as part of a sibling group declined between 2017–18 and 2018–19 (Table S13; Figure 4.8).

In 2004–05, 19 sibling groups were adopted as part of an intercountry adoption. This rose to 27 sibling group adoptions in 2005–06. Since that time, the number of sibling groups adopted fluctuated, but generally fell, with the lowest point occurring in 2015–16, when only 4 sibling groups were adopted (Figure 4.8).

This decline was mostly due to the drop in sibling group adoptions from countries that 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 fluctuated between 5 and 8, with 5 sibling adoptions in 2018–19 (Table S13).

Despite a fall in the number of intercountry sibling adoptions since 2004–05, as overall intercountry adoption numbers have also declined, the proportion of children adopted as part of a sibling group has increased. In 2004–05, children adopted as part of a sibling group comprised 10% of all intercountry adoptions. By 2018–19, 21% of all intercountry adoptees were part of a sibling group (Table S13).



Level of need

Special needs in the Australian adoption context can be explored through the perceived level of need of an adoptee and their adoptive family, in comparison to what would be expected for a family with an average, non-adopted child of similar age in the general population.

‘Level of need’ can be conceptualised on a continuum—from those adoptees and their families who do not require any additional resources or support, to those who require regular and more intensive additional resources and supports.

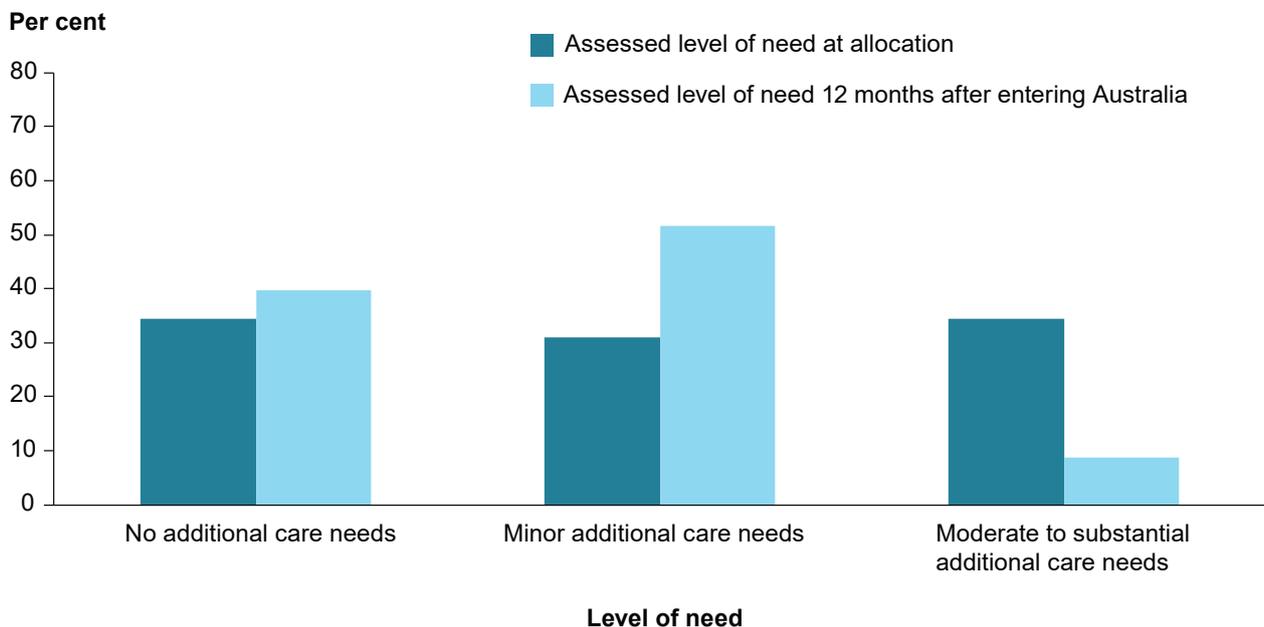
Analyses of these data are possible for the first time in the Adoptions Australia report series using information on intercountry adoptees who were placed with their adoptive families in 2017–18. Over time, trend data will be able to be looked at.

The level of need of intercountry adoptees who entered Australia in 2017–18 was measured at allocation and 12 months after entering Australia (excluding adoptions for Western Australia and the Australian Capital Territory, for which these data were not available).

At the time adoptees were allocated, 34% were classified as having moderate to substantial additional care needs, followed by about 31% classified as having minor additional care needs.

Twelve months after entering Australia, the proportion of adoptees reported as having moderate to substantial additional care needs fell to 9%, with more than half classified as having minor additional care needs (52%) (Figure 4.9).

Figure 4.9: Children who entered Australia in 2017–18, by assessed level of need at allocation and 12 months after entering Australia



Note: Excludes adoptions from Western Australia and the Australian Capital Territory, for which these data were not unavailable.

Source: Table S14.

The level of need of intercountry adoptees 12 months after entering Australia was also measured by the type of intercountry adoption program through which the child was placed (Table 4.2).

Of the 27 adoptees who were placed under adoption quotas 3 in 5 (59%) were classified as having no additional care needs.

Of the 28 who were not placed under adoption quotas, three-quarters (75%) were classified as having minor additional care needs.

Only 3 adoptees were placed under alternative referral programs, with an equal number classified as having no additional care needs, minor additional care needs, and moderate to substantial additional care needs.

While informative, the data on the level of need of intercountry adoptees and their families are currently only available for the first 12 months after the adoptee entered Australia. Research has shown that even meticulous pre-adoption screening does not preclude complex needs emerging several years after an adoption occurred (Diamond et al. 2015).

Table 4.2: Children who entered Australia in 2017–18, by assessed level of need 12 months later and type of intercountry adoption program^(a)

	Placements under adoption quotas		Placements not under adoption quotas		Placements through alternative referral programs	
	Number	%	Number	%	Number	%
No additional care needs	16	59.3	6	21.4	1	33.3
Minor additional care needs	8	29.6	21	75.0	1	33.3
Moderate to substantial additional care needs	3	11.1	1	3.6	1	33.3
Total	27	100.0	28	100.0	3	100

(a) Excludes adoptions from Western Australia and the Australian Capital Territory, for which these data were not available.

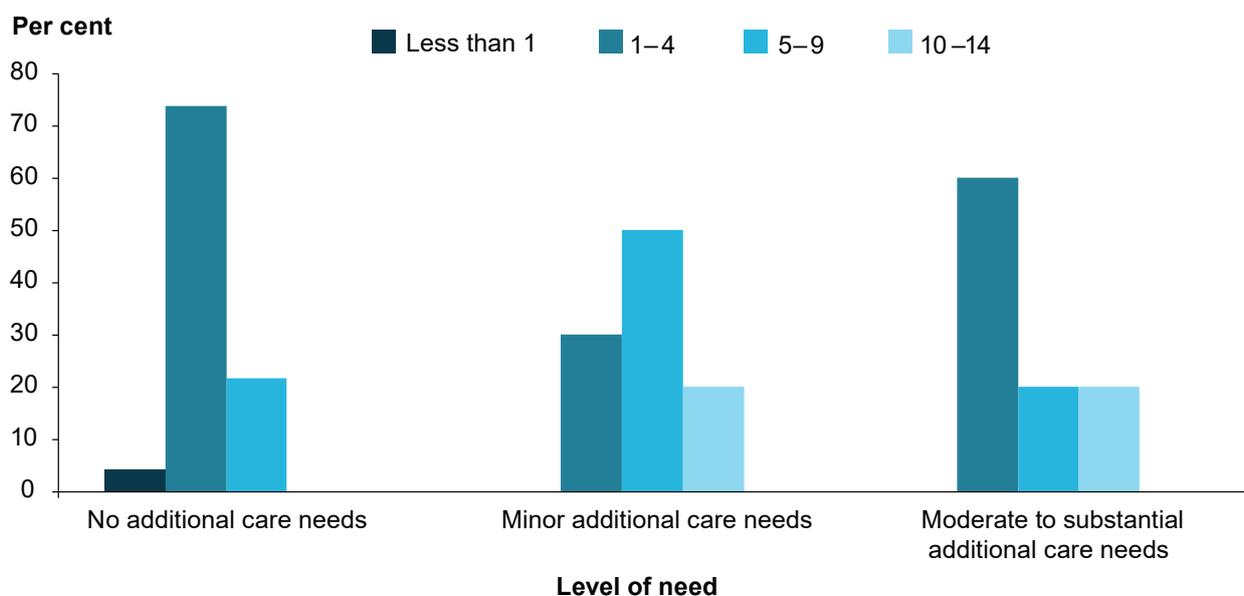
Notes:

1. Percentages might not add to 100%, due to rounding.
2. This table includes all Hague and bilateral intercountry adoptions through partner countries who entered Australia in the financial year before the current reporting period.
3. 'Level of need' is based on the assessment information available 12 months after the child entered Australia. Where available assessment information shows different levels of need, preference was given to the most recent assessment information.
4. The type of intercountry adoption program refers to the program where the child placement occurred.

Source: AIHW Adoptions Australia data collection.

Of children with no additional care needs or moderate to substantial care needs, a majority of intercountry adoptees were aged 1–4 at the time of placement (74% and 60%, respectively). For children with minor additional care needs, the majority were aged 5–9 (50%) (Figure 4.10).

Figure 4.10: Children who entered Australia in 2017–18, by age of child and assessed level of need 12 months later



Source: Table S15.

4.2 Adoptions 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 interest of the child. All states and territories have adopted the placement principle in policy and practice.

Box 4.7: What is the Aboriginal and Torres Strait Islander Child Placement Principle?

The placement principle outlines a preferred order of placement for Aboriginal and/or Torres Strait Islander children to be:

- with the child's extended family,
- within the child's Aboriginal and Torres Strait Islander community
- with other Aboriginal and Torres Strait Islander people.

Where these options are not available or inappropriate, Aboriginal and Torres Strait Islander children may be adopted by other families. The principle requires engagement with Aboriginal and Torres Strait Islander people in adoption-related decision-making.

National data on compliance with the principle are not available, but data on the placement outcome of adoption decisions involving Indigenous children can be reported.

The number of Aboriginal and Torres Strait Islander children who are adopted each year is typically small. In 2018–19, 12 Indigenous children had adoption orders finalised in Australia, the highest number of finalised adoptions of Indigenous children in the past 25 years (equal to the number recorded in 1994–95).

Of these children, 1 was adopted by Indigenous Australians, and 11 were adopted by other Australians (AIHW Adoptions Australia data collection). All finalised adoptions of Indigenous children in 2018–19 were known child adoptions, where the adoptee had a pre-existing relationship with the adoptive parent(s), and were generally not able to be adopted by anyone other than the adoptive parent(s). All 12 Indigenous children in 2018–19 were adopted by either their step-parent, another relative, or their carer.

Due to the small number of adoptions involving Indigenous children each year, it is difficult to identify trends. Since 1994–95, 126 Indigenous children have been adopted, with 41% adopted by Indigenous Australians, and 59% adopted by other Australians (Table 4.3).

Table 4.3: Indigenous children adopted, by Indigenous status of adoptive parent(s), 1994–95 to 2018–19

Year	Indigenous Australian	Other Australian	Total
1994–95 to 1998–99	17	16	33
1999–00 to 2003–04	6	9	15
2004–05 to 2008–09	18	6	24
2009–10 to 2013–14	6	19	25
2014–15 to 2018–19	5	24	29
Total	52	74	126
%	41.3	58.7	100.0

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. The Indigenous status of children and adoptive parent(s) is not always available for adult adoptees.
3. Adoptions by 'Other Australians' can include known child adoptions by step-parents, other relatives, and carers who are not Indigenous, but who have a pre-existing relationship with the adoptee that enables the adoption to occur.

Source: AIHW Adoptions Australia data collection.

Since 1994–95, half (63) of all adopted Indigenous children were adopted through local adoptions and half (63) were adopted through known child adoptions.

More than half (56%) of local adoptions and 27% of known child adoptions of Indigenous children involved at least 1 adoptive parent who identified as Indigenous (Table 4.4).

Table 4.4: Indigenous children adopted, by Indigenous status of adoptive parent(s) and type of adoption, 1994–95 to 2018–19

Year	Known child adoption			Local adoption		
	Indigenous Australian	Other Australian	Total	Indigenous Australian	Other Australian	Total
1994–95 to 1998–99	2	–	2	15	16	31
1999–00 to 2003–04	2	5	7	4	4	8
2004–05 to 2008–09	7	2	9	11	4	15
2009–10 to 2013–14	4	17	21	2	2	4
2014–15 to 2018–19	2	22	24	3	2	5
Total	17	46	63	35	28	63
%	27.0	73.0	100.0	55.6	44.4	100.0

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. The Indigenous status of children and adoptive parent(s) is not always available for adult adoptees.
3. Known child adoptions by 'Other Australians' can include adoptions by step-parents, other relatives, and carers who are not Indigenous, but who have a pre-existing relationship with the adoptee that enables the adoption to occur.

Source: AIHW Adoptions Australia data collection.

4.3 Alternatives to local and known child adoptions

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 2016).

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 carer (known child) adoption, and care and protection orders that transfer guardianship and custody to carers.

Box 4.8: What are third-party parental responsibility orders?

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 might 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.

Unlike adoption, permanent care orders do not lead to the issuing of a new birth certificate for a child, have an expiry date (generally when the child turns 18), and, in some instances, allow carers to access financial assistance from the government to help with caring expenses.

Over the 5-year period to 2016–17, the total number of third-party parental responsibility orders issued in Australia rose by 54%, from 1,058 to 1,627 (Table 4.5). The largest increases occurred in New South Wales (a 137% rise, from 377 to 892) and Victoria (an 81% rise, from 267 to 482). Western Australia had a smaller rise, while the numbers fell in Queensland, South Australia, Tasmania, and the Australian Capital Territory.

Data for 2017–18 are not comparable with previous years, as comparable data from New South Wales were unavailable. For the states with comparable data, the number of orders issued rose between 2012–13 and 2017–18 for Victoria, Western Australia, and South Australia, and declined in the other states.

Table 4.5: Third-party parental responsibility orders issued, by state and territory, 2013–14 to 2017–18

Year	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Total
2012–13	377	267 ^(a)	213	97	27	60	17	..	1,058
2013–14	381	302	195	71	31	40	12	..	1,032
2014–15	n.a.	290	263	84	14	22	12	..	685 ^(b)
2015–16	764	507	222	101	18	27	22	..	1,661
2016–17	892	482	88	115	21	19 ^(c)	10	..	1,627
2017–18	n.a.	429	106	137	50	15 ^(d)	7	..	744 ^(e)

(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, so that 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 have been cross-checked with third party placement types from 2016–17. As such, figures reported before 2016–17 should be interpreted with caution.

(d) Data for Tasmania might not be comparable year to year, due to issues with the recording of order status.

(e) New South Wales implemented a new client management system in 2017–18, and provided limited data. With the new system, New South Wales is making efforts to improve quality and completeness of data to have a comprehensive set of data for future reporting. So 2017–18 is not comparable with other years included in this table, and has been excluded.

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

Source: AIHW Child protection Australia data collection 2013–14 to 2017–18.

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- 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 Communities, 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 departments in their relevant state or territory, or to Intercountry Adoption Australia at www.intercountryadoption.gov.au.

Abbreviations

ACT	Australian Capital Territory
AIHW	Australian Institute of Health and Welfare
HA	Australian Government Department of Home Affairs
DSS	Australian Government Department of Social Services
Hague Convention	Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption
NSW	New South Wales
NT	Northern Territory
Qld	Queensland
SA	South Australia
Tas	Tasmania
UN Convention	United Nations Convention on the Rights of the Child
Vic	Victoria
WA	Western Australia

Symbols

—	nil or rounded to zero
..	not applicable
n.a.	not available
n.p.	not publishable because of small numbers, confidentiality or other concerns about the quality of the data
<	fewer than
≤	fewer than or equal to

Glossary

Aboriginal or Torres Strait Islander person: A person of Aboriginal or Torres Strait Islander descent who identifies as an Aboriginal or Torres Strait Islander. Where a person's Indigenous status is unknown, that person is included in the 'Other Australian' category.

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

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 authority: An agency authorised under adoption legislation to decide on the placement of an adoptive child. In Australia, adoptions can be arranged by state and territory departments responsible for adoption, or by an authorised non-government agency. There are 2 categories of authorities: **government arranging body** and **non-government arranging body**.

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. 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 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.

bilateral adoption: An intercountry 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 Department of Social Services. As Australia is a federation, a central authority has also been designated in each state and territory.

closed (program status): Where the intercountry program is 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 parent(s).

dissolution: A term used to describe an adoption process in which the legal relationship between the adoptive parent(s) 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 parent(s).

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 nor 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.

A **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.

A **custody order** generally 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 might 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): Where 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 might be currently unavailable to Australian prospective parents).

Indigenous Australian: A person of Aboriginal or Torres Strait Islander descent who identifies as an Aboriginal or Torres Strait Islander. Where a person's Indigenous status is unknown, that person is included in the 'Other Australian' category.

intercountry adoption: An adoption of a child/children from countries other than Australia with which Australia has an official adoption program 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 living 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 living 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.

minor additional care needs (special needs): Children who generally require a level of personal, emotional, and physical care that is consistent with what would be expected for their age group. On most occasions, the resources and supports for the child and their family are comparable to those expected for a family with an average, non-adopted child of similar age in the general population, but the child's adoption history results in short-term or irregular periods where additional resources and supports are required for the child and/or their family.

moderate to substantial additional care needs (special needs): Children who regularly require a level of personal, emotional, and/or physical care that is beyond what would be expected for their age group. On a regular and frequent basis, the resources and supports for the child and their family are greater than those expected for a family with an average, non-adopted child of similar age in the general population. Areas of additional need might include, but are not limited to:

- children (on an ongoing basis): requiring abnormal amounts of attention and affection, or high levels of routine and structure due to trauma/attachment issues; displaying (on an ongoing basis) aggressive behaviours, enuresis, and encopresis; stealing; or sleeping difficulties
- children (beyond usual age expectations) requiring assistance with dressing, bathing, toileting, feeding, mobility
- regular physical therapy
- regular medication for a diagnosed condition that requires skill and training to administer, or is needed to allow significantly improved day-to-day functioning
- medical need for special dietary restrictions
- frequent hospital or specialist appointments
- ongoing high support special education programs.

no additional care needs (special needs): Children who regularly require a level of personal, emotional, and physical care that is consistent with what would be expected for their age group. On a day-to-day basis, the resources and supports for the child and their family are essentially the same as would be expected for a family with an average, non-adopted child of similar age in the general population.

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): Where the intercountry program was not accepting new applications, but had not been officially closed. This might occur while a review of, or changes to, the adoption legislation, principles, or processes in the overseas country are in progress.

open (program status): Where the intercountry program was accepting new applications at some point during the 12-month period before 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 had a current intercountry adoption program at the time the file of the applicant(s) was sent.

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, for local adoptions, the child is taken into the care of the prospective adoptive parent(s), and for intercountry adoptions, the child enters Australia) 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 before the current reporting period using 1 of the following categories: **open**, **inactive**, **on hold**, and **closed**.

prospective adoptive parent(s): A person who has applied or intends to apply to adopt a child through a relevant authority. This also includes current carers of children who are undergoing proceedings to adopt a foster child, and step-parents who intend to adopt their partner's child.

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 nor living in a de facto relationship (might include widowed parents).

special needs: Special needs in the Australian adoption context is defined as the level of resources or support services required by the adoptee and/or their adoptive family to foster healthy development and wellbeing, to support positive family functioning, and to prevent adoption disruption. Special needs are looked at through a continuum of level of need that is broken down into the following categories: **no additional care needs**, **minor additional care needs**, and **moderate to substantial additional care needs**.

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

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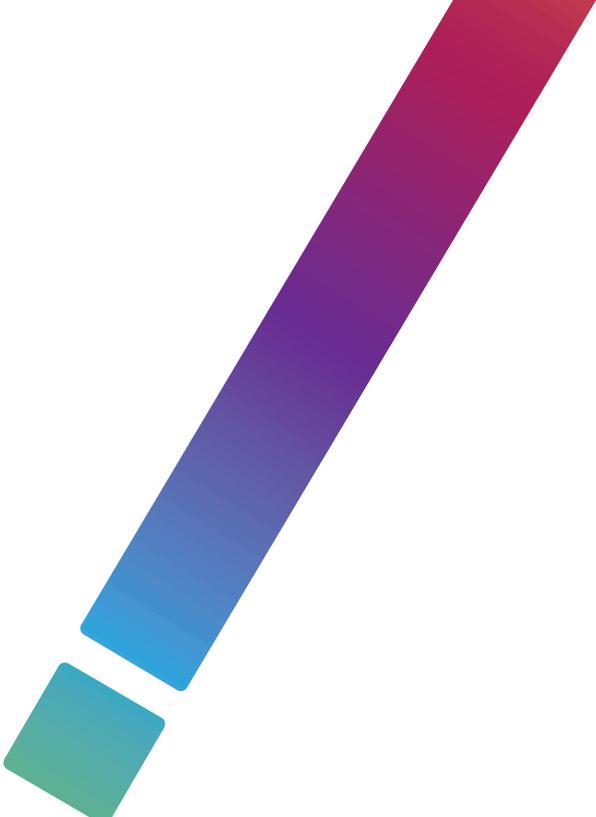
Related publications

This report, *Adoptions Australia 2018–19*, is part of an annual series. Earlier editions can be downloaded free from the AIHW website. The website also includes information on ordering printed copies: www.aihw.gov.au/reports-statistics/health-welfare-services/adoptions/reports.

Additionally, a snapshot of the main findings for the current year, fact sheets, supplementary data tables, and interactive data displays can be found at www.aihw.gov.au/adoptions.

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

- AIHW 2019. Australia's welfare 2019: in brief. Cat. no. AUS 227. Canberra: AIHW.
- AIHW 2019. Child protection Australia 2017–18. Child welfare series no. 70. Cat. no. CWS 65. Canberra: AIHW.
- AIHW 2019. The views of children and young people in out-of-home care: overview of indicator results from a pilot national survey 2018. Cat. no. CWS 68. Canberra: AIHW.
- AIHW 2018. Family, domestic and sexual violence in Australia 2018. Cat. no. FDV 2. Canberra: AIHW.
- AIHW 2018. Young people in child protection and under youth justice supervision: 1 July 2013 to 30 June 2017. Data linkage series no. 24. Cat. no. CSI 26. Canberra: AIHW.
- AIHW 2017. Children admitted to out-of-home care 2014–15. Bulletin no. 142. Cat. no. AUS 217. Canberra: AIHW.
- AIHW 2016. Permanency planning in child protection. Child welfare series no. 64. Cat. no. CWS 58. Canberra: AIHW.
- AIHW 2016. Vulnerable young people: interactions across homelessness, youth justice and child protection—1 July 2011 to 30 June 2015. Cat. no. HOU 279. Canberra: AIHW.



310 adoptions were finalised in Australia in 2018–19, of which 82% were of Australian children and 18% were intercountry. The majority of adoptions finalised were known child adoptions (211, or 68%) and, of these, 67% (142) were carer (known child) adoptions. Overall, there has been a 64% decline in finalised adoptions in Australia in the 25-year period between 1994–95 to 2018–19. However, since the low for the period of 278 adoptions in 2015–16, there has been a rise of 12%.

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