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## Adoption

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### Summary

- A small number of locally born children require adoption each year.
  - There is a particular need for families to care for children who are from disrupted backgrounds and children who have disabilities.
  - The Victorian Adoption Act 1984 allows adoptive children and birth parents the right to information and contact.
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Adoption can give a secure family life to children who, for various reasons, can't live with their birth family. Adoption means that the people caring permanently for the child become the child's legal parents. This affects the child's name, birth certificate and inheritance rights.

The most important consideration in any adoption is the best interests of the child. Legislation and adoption arrangements aim to protect children by making sure that adoptive parents are well suited to understanding and meeting the needs of the adopted child.

### Adoption in Victoria

Adoption legislation was first introduced in Victoria in 1928. The number of adoptions has decreased since the 1970s, because of the increase in social acceptance of single parent families, government benefits for single parents, and improved access to contraception and abortion.

### Intercountry adoption

Intercountry adoption provides families for children from other countries who:

- have a range of complex medical and psychosocial needs
- are unable to remain in the care of their birth family
- have no other permanent family placement options in their country of origin.

In Australia, arrangements for intercountry adoption are made through central authorities in each state and territory, and an Australian central authority. These arrangements are designed to protect both children and adoptive parents by making sure that children placed for adoption:

- have not been subject to child trafficking
- do actually require adoption outside their country of birth.

### Legal issues of adoption

Some of the legal issues that relate to adoption include:

- Adoption legislation is a state, rather than a federal, responsibility. In Victoria, the legislation is the *Adoption Act (1984)*. Under this Act, adoptive children and birth parents have the right to information about and contact with each other.
  - A child can be adopted if adoption consents have been signed or if the County Court has dispensed with the birth parent's consent.
  - In the past, if the birth parents were unmarried, only the mother needed to give consent for the adoption. Since 1984, the Act requires that if the birth father is known, he must be informed that an adoption consent has been signed. He then has the opportunity to legally establish that he is the father. If he has established
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paternity, he must sign the adoption consent before the child can be adopted.

### **Types of children placed for adoption**

In the 1950s and 1960s, there were more infants available for adoption than there were adoptive parents. Children older than six months were difficult to place. This situation has changed over the years.

The types of children placed for adoption in Victoria today include:

- locally born children with special needs
- locally born infants
- children from other countries.

### **Adoption and children with special needs**

A significant proportion of the children who need care outside their birth family have special needs such as:

- intellectual or physical disabilities
- emotional difficulties
- having experienced abuse or neglect, they are unable to remain safely in the long-term care of their birth families.

There is a particular need for families to care for children who are from disrupted backgrounds and children who have disabilities. These children are likely to be placed in a permanent care placement, rather than an adoptive placement. In fact, approximately three quarters of the children placed each year by adoption agencies are likely to have their placement legalised by an order other than adoption.

The *Children, Youth and Families Act 2005* (Vic) provides for permanent care orders to recognise these arrangements.

### **Criteria for couples wanting to adopt**

If a couple wants to adopt, the criteria that must be met include:

- They must have been married or in a de facto relationship for a minimum of two years.
- They must be in good health.
- They must be able to actively care for the child until the child reaches social and emotional independence, which means health and age at the time of adoption are important considerations.
- They must have suitable financial circumstances and show that they have the ability to adequately support a child.
- They must have a medical examination and a criminal records check.

Other criteria examined include the stability and quality of their relationship with each other and other family members, whether they can provide a stable, secure and beneficial environment for the child, and whether they can maintain the child's cultural identity and religious faith (if any).

### **Changes in attitudes to adoption**

In the past, the biological background of the adopted child was kept secret. Now we know that such information is vital to a person's sense of identity. The Victorian adoption laws reflect this and support the opportunity for ongoing information exchange and direct contact between adopted children and their birth families.

Open adoption means that the birth parent or parents are encouraged to have contact with the child, as well as the opportunity to exchange information.

### **Where to get help**

- Victorian Government Adoption and Permanent Care Services:
  - o Statewide Tel. (03) 9689 3888

- o Eastern suburbs Tel. (03) 9843 6413
- o Southern and bayside suburbs, Dandenong, Frankston, Mornington Peninsula and surrounding areas Tel. (03) 9521 5666
- o Geelong, Warrnambool, Portland, Hamilton Tel. (03) 5226 4540
- o Northern suburbs Tel. (03) 9479 0558
- o Western suburbs Tel. (03) 9396 7400
- o Central and eastern Gippsland Tel. (03) 5133 9998
- o Ballarat, Horsham, Stawell and surrounding areas Tel. (03) 5332 1434
- o Bendigo, Maryborough, Castlemaine, Echuca, Swan Hill, Mildura and surrounding areas Tel. (03) 5440 1199
- o Shepparton, Seymour, Benalla, Wangaratta, Wodonga and surrounding areas Tel. (03) 5832 1500
- Victorian Adoption Network for Information and Self Help (VANISH) Tel. (03) 9328 8611 and 1300 VANISH (826 474)
- Find and Connect Victoria Tel. 1800 16 11 09
- Intercountry Adoption Service Tel. (03) 8608 5700
- Association of Relinquishing Mothers (Victoria) Inc. (ARMS) Tel. 0400 701 621
- Intercountry Adoptive Parents, Australian Society for Intercountry Aid (Children) (ASIAC) Victoria Tel. (03) 9808 6613
- Intercountry Adoption Resource Network (ICARN) Australia Tel. (03) 9898 9625

### Things to remember

- A small number of locally born children require adoption each year.
- There is a particular need for families to care for children who are from disrupted backgrounds and children who have disabilities.
- The Victorian Adoption Act 1984 allows adoptive children and birth parents the right to information and contact.

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DHHS - Child protection

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