



Family and Children's Services

ADOPTION UNIT

Adopting a child in the Northern Territory

*This booklet aims to answer any questions
You may have in relation to the adoption
Of a child in the Northern Territory*



Northern Territory Government
Department of Health and Community Services



What is adoption?

Adoption is a legal and social process that establishes and nurtures a parent-child relationship between prospective adoptive parents and a child. It provides a child with new legal parents by the ending of the legal relationship between the child and birth parents, and establishing new legal relationships with the adoptive parents. It protects the rights of the child (the adoptee), the adoptive parents and the birth parents, and above all, enables a child who cannot be cared for by their family to have a permanent and stable family.

In the Northern Territory, local and Intercountry adoptions are arranged through the Family and Children's Services (FACS) section of the Department of Health and Community Services.

Who may be adopted?

Children from:

- the NT (local adoption);
- the following authorised countries: China, Ethiopia, Fiji, Hong Kong, India, Korea, Philippines, Romania, Sri Lanka, and Thailand, Taiwan and other approved adoption countries.

In special circumstances, the following children may be adopted:

- children with special needs (physical, mental, emotional);
- a spouse's children (step-children);
- relative children;
- children relinquished by parents known to you (specific children).

Costs associated with adoption

Prospective adoptive families are responsible for costs incurred after the child's placement with them and any legal fees that are incurred in the process of finalising the adoption.

Intercountry adoptions incur adoption fees to the Department of Health and Community Services and the overseas adoption agency. Other associated costs such as immigration, visa, travel and accommodation charges are also applicable.

Illegal payments

Under no circumstances should payments be made to:

- obtain the consent to a child's adoption;
- obtain custody or possession of a child;
- influence the conduct or making of adoption arrangements.

What to do if considering adoption

- learn about adoption, read articles and books, watch videos and television on the subject;
- contact adoption associations or agencies, and meet other adoptive families;
- discuss adoption with family and friends;
- if intercountry adoption is a possibility learn about other cultures;
- if local adoption is a possibility, become aware of the possible impact of open adoption on your family

Open adoption

In the NT, a local adoption may be an 'open adoption'. Components of open adoption include possibilities such as:



- birth parents participating in the selection of adoptive parents. Birth parents may read non-identifying reports about prospective parents and meet the preferred family, others may prefer not to be involved.
- birth and adoptive parents exchanging information about the adoptee. Information may be exchanged in various ways (eg letters, tapes). All parties need to agree on the method, frequency and duration of information exchange.
- birth parents, the adoptee and the adoptive parents may meet each other on special family occasions. As with information exchange, arrangements must be mutually agreed on and clear to all parties.
- birth parents, the adoptee, or adoptive parents accessing identifying information about each other after the adoption is finalised.

Mediation is available if conflict occurs in relation to open adoption arrangements regarding information exchange and access.

Adoption procedure

All adoptions are made legally binding in a court of law. In the Northern Territory, the Local Court is responsible for granting Adoption Orders.

Before an adoption can be finalised, the following steps need to occur:

1. application
2. assessment
3. approval
4. allocation of child(ren)
5. placement of child(ren)
6. post-placement monitoring
7. Adoption Order made by Court

Application criteria

People who meet the following criteria may lodge an application:

- at least 25 years of age;
- aged between 25 and 40 years older than the child they wish to adopt (though they may be up to 45 years older than the child if they have the care/custody of another child);
- resident of the NT and an Australian citizen;
- sound physical and emotional health;
- married two years at the time the Order is finalised in the Local Court.

Under exceptional circumstances, people not meeting the above criteria may still be eligible to apply.

Application

Local and Intercountry adoption applications are lodged with the FACS Adoption Unit.

On application, certified copies of the following documents are required:

- a) birth certificates;
- b) marriage certificate; and
- c) citizenship document (of at least one applicant)

The following forms are also required:

- adoption application;
- medical reports;
- authority to release criminal history;
- two referees must be nominated;
- life stories must be completed.



The assessment process

A number of meetings occur between applicants and assessment workers from FACS.

Areas discussed include:

- health;
- background/family of origin;
- significant relationships;
- children;
- motivation to adopt;
- lifestyle;
- expectations;
- fertility;
- ability to cope with stress;
- understanding of issues related to child's identity and background.

Assessment of special needs children

In some situations, a child available for adoption may have special physical, mental or emotional needs.

People interested in adopting a child with special needs must be able to provide a standard of care that meets the child's needs and be able to demonstrate an understanding of issues in regard to their needs such as:

- realistic expectations of the child's development;
- appreciating the impact that a child with special needs may have on their family.

Applicants need to be willing to work with professionals and access relevant community services and support groups.

Approval

Applicants will be advised in writing of the outcome of their application.

- Approved applicants will be placed on the NT Adoption Register for a period of two years.
- If at the end of this time an allocation has not occurred, the applicant's approval status will be reviewed. A new letter of approval will be issued to applicants who remain suitable to adopt.
- Applicants not approved may have the right to appeal in certain circumstances.

FACS does not have the ability to affect an overseas country's acceptance of an application even though the Department has approved applicants as suitable to adopt a child.



Allocation

Time frames for allocation vary and Agency staff will be unable to specify when a child will be matched to a family, as allocation depends on the following factors:

- the child's needs;
- the child's ethnic background;
- the birth parents' wishes;
- order of applicants on the adoption list;
- applicant's wishes regarding sex, age and health of the child.

Applicants will be notified when a child is allocated to them. If an allocation is accepted, clients are then required to complete an *“Agreement for the Care and Custody of a Child”*, which details their obligations in relation to the child.

In a local adoption, applicants may also be required to participate in negotiating an agreement with the child's birth parents regarding information exchange and access during their placement and after finalisation.

Allocations for an intercountry adoption are dependent on the country of origin; FACS does not have the ability to affect the speed of allocation. When allocated, applicants will be expected to travel to the nominated country to bring the child into Australia.

What happens when a child is placed with a family?

Once a child is placed with a family, the family is responsible for all costs incurred in the child's care. The family is also responsible for honouring

any agreement made with the birth parents with regard to information exchange and access.

Until an Adoption Order is finalised (approximately twelve months after placement commencement), the child remains in the Guardianship of the Minister. A worker from FACS will visit to monitor the child's progress at regular intervals.

In addition, and in accordance with the *“Agreement for the Care and Custody of a Child”*, applicants' obligations include requesting permission to travel interstate or overseas with the child, or to seek non-urgent medical (anaesthesia) treatment for the child.

The placement of a child often brings feelings of joy, doubt and inadequacy, feelings that are normal for all parents.

Support is available from FACS to assist with issues that may arise at any stage in their child's development. Other community facilities that may also be valuable include playgroups and the Association for Adoption NT (ANT), a parent group that offers support and the opportunity to participate in social activities with other adopting families.

At approximately the twelve-month period and if the placement has progressed well, applicants will be advised in writing to proceed with finalising the adoption.

Finalising the adoption

The adoption is finalised in the Local Court of the NT. (In some intercountry adoptions, an Adoption Order is finalised in the child's country of origin and fully recognised in Australia).



An Adoption Order confers exactly the same legal rights and responsibilities on the adoptive parents and the child as if the adoptive parents were the birth parents of the child.

The adoptive family meets any legal costs they incur in the process of finalising the adoption, and is also responsible for honouring any agreement made with the birth parents with regard to information exchange and access.

Mediation

Mediation is available should conflict occur over open adoption arrangements. The primary consideration shall be the interests and welfare of the child.

Post adoptive information

At any time after an Adoption Order is made, birth parents are able to obtain identifying information about the adoptee or adoptive parents and the adoptive parents are able to obtain identifying information on birth parents.

If the adoptee has not reached 16 years of age, they may only apply for identifying information if their adoptive parents have provided written support.

Obtaining a birth certificate

Approximately one month after the Adoption Order is made, adoptive parents can apply to the Registrar of Births, Deaths and Marriages, for an amended Birth Certificate for their child. The amended birth certificate will show them as the child's parents.

Adoption information

For more information about local adoptions contact:

Adoption Practitioner
Family & Children's Services
PO Box 40596
Casuarina NT 0811
Tel: (08) 8922 7077
Fax: (08) 8922 7480
Website: www.health.nt.gov.au
E-mail: adoption@nt.gov.au

For more information from adoptive parents contact:

Adoption NT (ANT)
PO Box 41084
Casuarina NT 0811
Tel: (08) 8985 5958
E-mail: mwilliams7@vtown.com.au

For more information

Publications and Networks are available