

## **NATIONAL PRINCIPLES IN ADOPTION**

[Amended to incorporate obligations that arise out of Australia's compliance with the United Nations Convention on the Rights of the Child and the Hague Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoption.]

### **1 GENERAL PRINCIPLES**

- 1 The interest of the child is the paramount consideration and the child's fundamental rights are to be safeguarded.
2. The age appropriate views or consent of the child are to be sought and freely given to the adoption arrangement.
3. Adoption is a service for children not for adults wishing to acquire the care of a child.
4. Counselling and support services should be available to children and their family.
5. Adoption is only one of a range of substitute care services available to families.
6. Within legal parameters as set down in legislation and international treaties, a flexible approach should be taken regarding any negotiated arrangements supporting an adoption.
- 7 Adoption arrangements should be subject to a consistent criterion.
8. Adoption placements are valued as an important resource in providing permanent family care for (some) children.
9. Children who cannot be brought up within their birth family, are entitled to grow up in a permanent, secure and loving, family environment.
10. A child has the right to be brought up within their birth family, wherever possible.
11. A child has the right to be considered for placement within the extended family prior to placement outside its family.
12. A birth Family has the right to community and government support to allow the child to be maintained within the family.
13. The adopted person/birth family, regardless of age, has the right to independent representation throughout the adoption process.
14. The child should preferably be placed in a culturally/ethnically appropriate placement. Adoption is a process regulated by Australian, State or Territory legislation and International treaties.
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16. The adopted person's legal status must be enshrined in legislation.
17. Persons involved in the adoption process should not be discriminated against or disadvantaged by Australian, State or Territory legislative differences.
18. The meaning, effect and recognition of adoption orders should be the same regardless of State/Territory boundaries.
19. Authorities should provide equitable and accessible services to all parties of adoption on an individual basis.
20. State/Territory Central Authorities (or accredited bodies) have responsibility for the matching of children with adoptive parents
21. Processing of applications reflect and notification of allocations and the 'forwarding of confidential information will be undertaken by State/Territory Central Authorities (or accredited bodies).
22. Adoption arrangements by consenting parties, presented to "courts" should be consistent with the adoption principles.
23. Birth parents have the right to express their wishes and be involved in the planning for the placement of their child.
24. Birth parents have the right to be kept informed of the progress of their child following placement with adoptive parents. and to have a right of access to the child if this has been agreed to.
25. Adoptive parents must be assessed and approved through an approved process according to a consistent criteria as being suitable to adopt.
26. Adoptive parents and children have a right to legal security.
27. Accredited bodies have a role in supporting and educating adoptive applicants.

## **2 WHEN IS ADOPTION APPROPRIATE?**

1. Adoption is one of a range of alternatives of legally securing a child's place in the family. An adoption order should therefore, only be granted if it is considered to be the best option in the interests of each particular child.
2. Adoption should not be considered for children in step-families or living with relatives, unless it can be demonstrated that a lesser order would not serve the needs of the child.
3. The availability of orders providing permanent alternative care through the Family Court is recognised and should be subject to the same principles as apply to adoption orders. Both orders involve the transfer of care and responsibility of children to a third party.

## **3. ACCESS TO INFORMATION**

1. All persons who are adopted have a right to know they are adopted.
2. Adult adopted people have a right to identifying information about their biological parents.
3. A birth parent has a right to information about his or her child.
4. A birth parent has a right to identifying information on his or her child once the child has reached legal adulthood under Adoption legislation.
5. Adopted people and birth parents have the right to state that they do not wish contact and for that wish to be conveyed to the other party.
6. Appropriate information and counselling should be available to all parties to an adoption.

## **4. OPEN ADOPTION**

Open adoption is an adoption arrangement where ongoing contact between the birth parent(s) and their child occurs following adoption proceedings and is acknowledged in the adoption order.

1. Openness and honesty in family relationships should be encouraged in all adoptions.
2. Openness in adoption arrangements should be achieved as far as is possible with a minimum of welfare or state intervention and should not undermine the parental authority of adoptive parents. Notwithstanding this, professional support and advice should be readily available to families involved in open adoption arrangements.
3. Birth parents if expressing a desire to do so should be involved in the selection of approved adoptive parents for their child (ren) having regard to the paramount consideration of the needs of the child(ren).

## **5 SERVICES TO RELINQUISHING PARENTS**

1. Prior to the adoption of a child, the informed consent of each person who is legally the parent of that child should be sought to the adoption.
2. Prior to taking consent to an adoption the witness should have responsibility to ensure that the birth parent has been informed about the implications of adoption and about all the alternatives available to him or her.
3. Information about the implications of signing consent to an adoption and explaining the time period and process for revoking consent should be given to relinquishing parents in writing prior to their signing consents.
4. No consent to an adoption should be taken prior to the birth of the child concerned nor for a specified period after the birth.
5. Counselling/support should be available to birth parents and consenting children throughout the period of revocation.
6. Birth parents should be permitted reasonable access to their children during the revocation period.
7. Birth parents should be allowed to revoke the adoption consent without pressure at any time during the revocation period and have the child returned to their care as soon as is possible.
8. Children should not be placed with prospective adoptive parents until after the revocation period has expired.
9. Birth parents should be given as much information as possible about the prospective adoptive parents and be allowed to participate to the greatest extent as is reasonably practical in the selection of approved adoptive parents for their child having regard to the paramount consideration of the needs of the child(ren).
10. Accredited bodies should ensure that appropriate post adoption counselling and support services are available to relinquishing parents.

## **6. ELIGIBILITY AND SUITABILITY CRITERIA**

### **1 AGE**

1. The maximum age difference between the oldest of the applicants and the first child placed in the family should be 40 years.
2. In subsequent placements or where there is already a child in the family the maximum age difference between the eldest of the applicants and the child should be 45 years.
3. The age criteria should apply to Australian born and intercountry adoptions.

## **2. MARRIAGE**

1. Single applicants should be permitted to apply to adopt a child.
2. Couples in established defacto relationships be afforded the same status by agencies as married couples and subject to the same assessment of stability.

## **3. HEALTH**

1. Applicants for adoption must meet basic health requirements which will not impede their ability to care for the child. The life expectancy of the parents and their health should be such that they can parent the child and provide quality care until the child attains independence.
2. The assessment of health should occur prior to any general assessment of suitability as adoptive parents.

## **4. CRIMINAL ABUSIVE HISTORY**

1. Applicants for adoption should be excluded if they have an established record of violent offences abuse of children or have had a child removed from their care under child protection legislation.

## **5. APPEAL MECHANISMS**

1. Parties in the adoption process should have appropriate review and appeal mechanisms available to them.

## **6. PREPARATION OF APPLICANTS**

1. Preparation of applicants prior to adoption by way of information giving and training is a crucial and integral part of the adoption process, which assists in self-selection, sustaining placements and reducing disruption of placements.

## **7. CO-OPERATION BETWEEN STATES AND TERRITORIES**

1. Central Authorities should co-operate in the exchange of literature on current state programmes for the continual improvement of their adoption and permanent care programmes.

## **8 POST PLACEMENT SUPPORT SERVICES**

- 1 Follow up and post placement support are a crucial and integral part of the adoption process.

## **7. CHILDREN WITH SPECIAL NEEDS**

1. No child should be disadvantaged in securing a permanent family placement because of the lack of resources to support such a placement.
2. Children with special needs have the same right as any other child to a secure a permanent family relationship.

## **8. ADOPTION ARRANGEMENTS**

1. All adoption arrangements in Australia should be made through Central Authorities or approved accredited bodies and in accordance with the relevant legislation.
2. All children have a right to independent counselling/representation to ensure that they understand the implications of an adoption that their wishes are being heard and to protect their fundamental rights in the adoption process.

## **9. TRANSFER BETWEEN STATES OF APPLICANTS AND CHILDREN**

1. Applicants for adoption should be treated in a fair and equitable manner when transferring their application between states/territories and not be unfairly advantaged or disadvantaged by such a transfer.

## **10. DISPENSATION OF CONSENT**

1. State and territory welfare agencies should exercise the option to dispense with parental consent only when it has been considered along with other options and considered to be in the best interests of the child.

## **11. STEP PARENT AND RELATIVE APPLICATIONS**

1. Custody/guardianship orders through the Family Court that do not interfere with the biological relationship to birth parents (and siblings) should generally be sought.
2. Adoption is not considered to be in the best interests of, or appropriate for children in stepfamilies or living with relatives unless it can be clearly demonstrated that a guardianship order would not serve their needs.