Adoption Act 2000: how it affects you

POST ADOPTION

for adoptions made after 1 January 2010

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Open access to adoption information

For adoptions made in NSW after 1 January 2010, the *Adoption Act 2000* (the Act) allows adopted people, adoptive parents, birth parents and siblings of an adopted person to gain information about each other from the day the adoption order is made.

To make it clear for all involved with an adoption, the terms birth parent(s), adoptive parent(s) and adopted person/people will be used in this document.

Open access to adoption information benefits everyone

The benefits of open access include:

* adopted people having a greater understanding of their birth family heritage, identity and culture from an early age
* birth parents and siblings can know about adopted people during their growing years
* birth parents, adopted people and birth siblings of adopted people are able to find, and have contact with, each other and form relationships
* adopted people benefit from having meetings and/or information about their birth parents and siblings throughout the adopted persons’ growing years. This also assists adoptive parents to help their adopted child deal with questions about their identity.

Challenges of open access

The challenges of open access can include:

* Birth parents may be contacted by the adopted person in the future. This is why birth parents need to think about telling their family members about an adoption from the very beginning. If family members learn about the adoption later, experience shows that they can be very upset. Birth parents may want to keep their privacy and may choose not to have ongoing contact. They may also choose not to receive information about their child who was adopted. This can be difficult for adoptive parents to deal with, especially if their child wants to have contact.
* In these situations, most adopted people and adoptive parents are respectful of birth parents’ wishes. However, as time goes on, many adopted people have questions that their adoptive parents cannot answer. They may also need updated birth family medical information. Some adoptive parents worry about unplanned contact. However, experience shows that not many birth parents make their own contact with an adopted person or adoptive family outside the agreed arrangements in an adoption plan.

Available information

The Act and the Adoption Regulation 2015 detail the prescribed information that can be obtained about people involved in an adoption. Prescribed information is also referred to as social and medical information.

Non-identifying background information about a person involved in an adoption can include their:

* physical and intellectual attributes
* educational and vocational qualifications
* social and cultural background
* health (medical reports) and welfare
* family and other relationships
* religious beliefs
* hobbies and interests.

Identifying information about a person involved in an adoption can include their:

* name
* date of birth
* address at the time the adoption was arranged

 Documents that contain identifying information about an adopted person are:

* original birth certificate – which includes the names and possible addresses of the birth parents and the adopted person’s name at the time of their birth
* amended birth certificate – which includes the names and possible addresses of adoptive parents and the adopted person’s name after the adoption
* birth record and adoption order – which have the adopted person’s pre- and post-adoptive names and the names of all of the people involved in the adoption.

Other identifying information is available from the NSW Registry of Birth, Deaths & Marriages (for example, details from birth, marriage or death certificates, if registered in NSW) which can help people search for each other.

For adopted people or adoptive parents

Information available when an adopted person is *under 18 years*

At the time of an adoption, adoptive parents can receive a copy of the adoption order which contains identifying information about all the people involved in the adoption.

Adopted people can also have a copy of the adoption order (with the consent of their adoptive parent/s or the Secretary of the Department of Family and Community Services (FACS)).

Adoptive parents and adopted people (with the consent of their adoptive parents or the Secretary of FACS), can also obtain:

* non-identifying information that gives an adopted person or adoptive parent knowledge of the adopted person’s birth family (parents, siblings, grandparents, aunts and uncles)
* the reason for the adoption decision
* any messages birth parents may have left for an adopted person or adoptive parent
* any other document, report, photograph or record relating to the adopted person that contains information about his or her origins.

In addition, adopted people (with the consent of their adoptive parents or the Secretary of FACS) can obtain:

* a copy of the birth parent’s consent to the adoption (if this was given)
* copies of medical reports about the adopted person prepared before the adoption order was made
* identifying and non identifying information about their birth siblings whether adopted or not
* information from a birth, marriage or death certificate of a birth parent which will help them search for members of their birth family.

Non-identifying information (if known) is usually provided to adoptive parents by FACS or the agency that arranged the adoption when an adopted person goes to live with them.

**Information available about a sibling (adopted or non-adopted) when an adopted person is *under 18 years***

Adopted people (with the consent of their adoptive parents or the Secretary of FACS) can apply for identifying and non-identifying information about their siblings (with whom they have at least one birth parent in common) and search for them. This may include an adoption order made in relation to an adopted sibling.

Adopted people can also be given information about the adoptive parents of their adopted siblings, such as their:

* age
* nationality
* ethnic background
* occupation
* hobbies and interests
* religion
* composition of the adoptive family.

Information available when an adopted person is *over 18 years*

Adopted people are entitled to receive identifying and non-identifying information about themselves, their birth parents and siblings, as above, and to search for them. The consent of adoptive parents or the Secretary of FACS is not required.

Adopted people’s entitlement to identifying information about their birth father depends on the circumstances at the time of the adoption. If, at the time of the adoption, or since, the birth father is recorded on the adopted person’s Original Birth Certificate (OBC), the adopted person is entitled to receive identifying information about him. Similarly, if the birth father can be presumed at law to be the father of the adopted child, the adopted person is entitled to identifying information about him. An adopted person is entitled to receive identifying information about the birth father in these circumstances, in the same way the adopted person is entitled to information about their birth mother.

If, however, a birth father is not recorded on the OBC, and cannot be presumed to be the father at law, but is recorded in the adoption file as the father at the time of the adoption, he is known as the ‘putative birth father’ rather than a ‘birth parent’. This is because his paternity has not been formalised under the law. Many fathers believe they were named on the OBC because they were at the hospital at the time of the birth and/or provided support to the mother during the adoption process. However, fathers had to sign the birth registration form to be named on the OBC, not just be named by the mother at the time of the adoption.

In this circumstance, an adopted person is entitled to identifying information about the putative father which was provided to the adoption agency at the time of the adoption. An adopted person can conduct their own searches, however, cannot contact or arrange for someone else to contact the putative father or any of his relatives, except by using the intermediary services or an information source. An adopted person will have to agree to this in a written undertaking before being given the identifying information.

Information sources are:

Department of Family and Community Services, Adoption Information Unit (AIU)

The Benevolent Society — Post Adoption Resource Centre (PARC)

Burnside

International Social Service Australia (ISS)

Link Up (NSW) Aboriginal Corporation

Relationships Australia — Forced Adoption Support Service

The Salvation Army - Special Search Service

Wesley Dalmar Child and Family Care

Catholic Care

Barnardos

Anglicare.

For birth parents

Information available when an adopted person is *under 18 years*

 Information available with an Adoption Information Certificate

Birth parents can apply to the Secretary of FACS for an authority known as an Adoption Information Certificate (AIC) to obtain identifying information about an adopted person and adoptive parents.

Before an AIC can be released, an assessment must be made to determine if the release of identifying information would pose any risk to the safety, welfare or wellbeing of the adopted person or the adoptive parents.

If any risks are identified, it is possible that an AIC will not be released.

The [Guidelines for the Release of Adoption Information](https://www.facs.nsw.gov.au/__data/assets/pdf_file/0003/631884/Guidelines-for-the-Release-of-Adoption-Information-post-2010.pdf) provide details about the assessment process and can be accessed on the FACS website [www.facs.nsw.gov.au](http://www.facs.nsw.gov.au) or call an Adoption Information Unit caseworker to request a copy.

If an AIC cannot be issued, an Adoption Information Unit caseworker will contact the birth parent to discuss their options.

When an AIC is issued, the birth parent can apply for further identifying and non-identifying information which will help them know about their child and to search for them.

 Information available without an Adoption Information Certificate

At any time birth parents can ask FACS or the agency that organised the adoption for:

* non-identifying background information about an adopted person and adoptive parent/s
* copies of documents the birth parent may have completed at the time of an adoption, such as consent forms, social and medical history and the form that recorded any requests they made for the adopted person
* copies of the adopted person’s medical reports completed prior to the adoption
* messages which may be left for the birth parent
* any other document, report, photograph or record relating to the adopted person that contains information about his or her origins
* current information about an adopted persons’ health and welfare, educational progress, hobbies, sporting and other interests, and information about the general lifestyle of an adopted person and their adoptive parent/s.

Birth parents can ask to be informed if FACS or the agency that arranged the adoption becomes aware that the:

* adopted person has died
* adopted person’s relationship with the adoptive parents has irretrievably broken down and the adopted person is living separately from the adoptive family.

Information available when the adopted person is *over 18 years*

When an adopted person reaches 18 years of age, birth parents can obtain identifying and non-identifying information about an adopted person and their adoptive parents, and search for them. An Adoption Information Certificate is not needed.

For non-adopted siblings of adopted persons

A non-adopted sibling of an adopted person is a sibling who is not adopted and has at least one birth parent in common with an adopted person.

Information available when an adopted person is *under 18 years*

Non-adopted siblings can apply to the Secretary of FACS for an Adoption Information certificate (AIC) to obtain identifying and non-identifying information about an adopted sibling and their adoptive parents.

A non-adopted sibling under 18 years wishing to apply for any adoption information must have the consent of their parents or the Secretary of FACS if there are no surviving parents or they cannot be found, or there is other sufficient reason to dispense with their consent.

Before an AIC can be released, an assessment must be made to determine if the release of identifying information would pose any risk to the safety, welfare or wellbeing of the adopted person or adoptive parents. This means that non-adopted siblings and birth parents will be asked to participate in an assessment of any potential risks.

If risks are identified, it is possible that an AIC will not be released.

The [Guidelines for the Release of Adoption Information](https://www.facs.nsw.gov.au/__data/assets/pdf_file/0003/631884/Guidelines-for-the-Release-of-Adoption-Information-post-2010.pdf) provide details about the assessment process and can be accessed on the FACS website www.facs.nsw.gov.au

If an AIC cannot be issued, an Adoption Information Unit caseworker will contact siblings to discuss their options.

When an AIC is issued, non-adopted siblings can apply for further identifying and non-identifying background information which will assist them to know about adopted siblings and to search for them.

When both a non-adopted sibling and an adopted person are *over 18 years*

Non-adopted siblings of adopted persons can receive identifying and non-identifying background information about an adopted person and can also search for them. They do not require an AIC or consent when both are over 18 years.

For relatives of adopted people

The Secretary of FACS has the discretion to issue an AIC to obtain identifying and non-identifying information to relatives or people without a direct right to information, where it is reasonable to do so.

An Adoption Information Certificate (AIC) for information on an adopted person under 18 years of age which could be used to identify birth parent(s) cannot be released to a relative without the consent of the birth parent(s). In this situation an Adoption Information Unit caseworker will seek consent from birth parents.

Before issuing an AIC, which will enable identifying and non-identifying background information to be gained about the adopted person, consideration will be given to the:

* circumstances surrounding a request for information
* age of the parties to the adoption
* relationship between the person requesting the information and the other people involved in the adoption
* likely effect on everyone involved in the adoption, if the information is released.

For relatives of deceased adopted people or birth parents

If you are the relative, spouse, de-facto or another person who had a close relationship with a now deceased birth parent or adopted person, you can apply for an authority to gain access to some of the information that would have been available to them.

Contact the Adoption Information Unit by email: adoption.information@facs.nsw.gov.au or telephone 1300 799 023 for more details.

Your rights as a person with disability

People with disability are not disadvantaged in their right to apply for identifying information or social and medical information.

Another person with an interest in the matter can apply to the Guardianship Tribunal for:

* the Tribunal to consider whether the person (with entitlements under the Act) has a disability or a condition making it impossible or unreasonable for them to exercise their rights, and
* if this is so, to appoint someone to exercise the rights on behalf of the person with disability.

For more information, contact:

Guardianship Tribunal

2a Rowntree Street

Balmain NSW 2041

P: 02 9556 7600 or

1300 006 228

E: gd@ncat.nsw.gov.au

**Reunion and Information Register**

The Reunion and Information Register (RIR) is available for people who want to be contacted but do not wish to search. An adopted person, adoptive parent, birth parent, or anyone else with an interest in an adoption (and in the opinion of the Secretary of FACS ought to have their name entered) is eligible to have their name entered on the RIR at any time. A message may be left and contact may be requested.

Adopted people are able to register their details on the register when:

* they reach 18 years of age
* they reach 12 years with the consent of their adoptive parents or the Secretary of FACS
* they reach 16 years and if they are living separately from their adoptive parents.

When there is a matching registration of two or more people on the register, an Adoption Information Unit caseworker will help them to make contact with each other.

Contact and reviewing an adoption plan

Contact allows adopted children and young people to maintain relationships with their families and other important people in their lives.

An adoption plan is an agreement between two or more people involved in the adoption and is formalised in writing by FACS. Usually made at the time of the adoption, an adoption plan is lodged in court with the adoption application.

An adoption plan can include things such as:

* arrangements to exchange information about the adopted person’s medical background or condition and/or their development and important events in their life
* how contact will occur
* how the adopted person will be assisted to develop a healthy and positive cultural identity and foster links with their heritage
* certain financial and other assistance, if needed.

If contact occurs, the frequency of meetings should be based on what is realistic to manage and should be agreed to by everyone. Exchange of news and contact can begin with the support of an Adoption Information Unit caseworker and can progress to direct contact if everyone agrees.

Changes and regular events in both families, such as relocation, school, sports, activities or holidays, impact on how and when contact can occur.

Contact set out in an adoption plan may be re-negotiated over time. Changes can often be worked out informally between the families or with the assistance of an adoption information caseworker.

Being flexible and considering the needs of the adopted person and the changing needs of each family will make it easier for everyone to enjoy time spent together.

In the event that an agreement cannot be reached, the Court may be asked to review the adoption plan.

If you want more information on registration of adoption plans please go to <http://www.facs.nsw.gov.au/__data/assets/file/0018/331614/FINAL-Factsheet-Registration-of-Adoption-Plans-July2015.pdf>

Referring to adoption in the media

Only non-identifying information about people involved in an adoption can be discussed in the media after an adoption order is made, unless those people give permission to be identified.

Fees for adoption information

There are no fees for an adopted person to obtain information about their own adoption or for a birth parent to obtain information about their own child’s adoption.

The following fees apply for individual services for other people having an interest in an adoption, for example relatives, siblings, relatives of deceased adopted people or birth parents, adoptive parents:

* Adoption Information Certificate (AIC) $35
* social and medical information (prescribed information) $50
* registration on the Reunion and Information Register (RIR) $65

For further searches of the NSW Registry of Births, Deaths & Marriages records, and for additional certificates, you will need to pay the Registry’s fees.

Contacts

Family and Community Services (FACS)

Adoption Information Unit

Locked Bag 4028

Ashfield NSW 2131

P: 1300 799 023 (cost of local phone call anywhere in Australia)

F: 02 9716 3400

E: adoption.information@facs.nsw.gov.au

W: [www.facs.nsw.gov.au](http://www.facs.nsw.gov.au)

Other adoption agencies

Anglicare Adoption Services

19a Gibbons Street

Telopea NSW 2117

P: 02 9890 6855

F: 02 9890 3700

E: adoption@anglicare.org.au

W: [www.anglicare.org.au](http://www.anglicare.org.au)

**Australian Families for Children Inc**

Level 2, Suite 2A, 79 Oxford Street

Bondi Junction NSW 2022

Postal:

P.O Box 7420

Bondi Beach

Sydney NSW 2026

P: 02 9389 1889

F: 02 9369 5969

E: info@australiansadopt.org

Barnardos Australia

Find-a-Family Program

Level 4, 2-4 Holden Street

Ashfield NSW 2131

PO Box 455

Ashfield NSW 1800

P: 02 8596 5000

F: 02 9797 0108

W: [www.barnardos.org.au](http://www.barnardos.org.au)

CatholicCare Adoption Services

PO Box 3127

Bankstown Central NSW 2200

P: 02 8700 3333

F: 02 8700 3390

E: adoptions@catholiccare.org

W: [www.catholiccare.org](http://www.catholiccare.org)

Support services

Post Adoption Resource Centre (PARC)

Suite 253, Level 5, 7-11 The Avenue

Hurstville NSW 2026

Locked Bag 6002, Hurstville NSW 1481

P: 02 9504 6788 or

Freecall: 1300 659 814 (regional NSW only)

E: parc@benevolent.org.au

W: [www.benevolent.org.au](http://www.benevolent.org.au)

PARC, under the auspice of The Benevolent Society, is funded by Family and Community Services to specifically offer services to people affected by the Adoption Act 2000. They provide services in NSW and the ACT that include:

* face-to-face counselling
* telephone counselling
* information sessions – information on searching, and other peoples’ experiences of reunions
* intermediary / mediation services.

For a list of other support organisations see [www.community.nsw.gov.au/adoption](http://www.community.nsw.gov.au/adoption)

NSW Registry of Births, Deaths & Marriages

Adoption Inquiries

P: 13 77 88

W: [www.bdm.nsw.gov.au](http://www.bdm.nsw.gov.au)

E: bdm-webmail@adg.nsw.gov.au

Visit [www.services.nsw.gov.au](http://www.services.nsw.gov.au) to search for a service centre close to you.

**Supreme Court of NSW**

The Supreme Court of NSW has records of court proceedings relating to adoptions. It can be particularly useful to apply to the Supreme Court for these records if there is only limited information on the adoption file or if the adoption was arranged by a solicitor.

Adoption Clerk, Supreme Court NSW

GPO Box 3, Sydney NSW 2001

P: (02) 9230 8733