

***EXPRESSION OF INTEREST PROCESS***

***Information Kit***

***Intercountry Adoption Program***

***QUEENSLAND***

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## ***Intercountry adoption – Basic principles, legislation guiding adoption***

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### ***Introduction***

This document provides some background information on intercountry adoption and outlines the process for couples considering adopting a child from an overseas country. In Queensland this process occurs in several stages from the initial inquiry, lodgement of an Expression of Interest, establishment of eligibility, education, assessment, determination of suitability, overseas process, travel and post placement follow up.

### ***Basic principles***

#### ***What is Intercountry Adoption?***

Adoption is a legal process, which establishes a permanent relationship between a child and his or her adoptive parents. Adoption transfers the legal rights and responsibilities of parenthood from a child's birth parents to his or her adoptive parents.

Adoption can provide permanent legal families in Queensland for children from overseas countries who require permanency through intercountry adoption. To meet the needs of children from overseas countries who require adoptive families, Australian states and territories have signed the *Hague Convention on the Protection of Children in Respect of Intercountry Adoption* (Hague Convention). The Australian states and territories also maintain programs with countries with which there is an existing bilateral arrangement.

At present the Department of Child Safety has adoption programs with thirteen overseas countries. Adoption agreements have been negotiated with authorities in overseas countries where suitable adoptive families for children cannot be found within the child's country of origin.

**The principle that the best interests of the child must be paramount** is reflected in all Australian adoption legislation, the Council of (Australian) Social Welfare Ministers' *National Minimum Principles in Adoption 1993*, the *United Nations Convention on the Rights of the Child (UNROC) 1989*, and the *Hague Convention*. The need to ensure that 'the interests of children requiring adoption placements are paramount in adoption practice' is fundamental, and the primary principle on which the operation of adoption legislation is based.

The principle that adoption is a service for children, rather than a service for adults, seeking to acquire the care of a child, is reflected in the Council of (Australian) Social Welfare Ministers' *National Minimum Principles in Adoption 1993*, the UNROC, the Hague Convention, and the *Adoption of Children Act 1964*. This principle recognises that the

primary purpose of adoption is to protect the interests and meet the needs of children requiring adoption within a child focussed framework. It identifies adoption as:

- a service for children who would not otherwise have a permanent, legal family;
- a responsible option parents can choose for securing a family for a child and/or a responsible option that overseas adoption authorities can choose to secure a family for a child with prospective adoptive parents in Queensland in some circumstances; and
- a permanent care option for children which depends on the recruitment and assessment of prospective adoptive parents who can provide a suitable permanent, legal family for a child requiring adoption.

The principle recognises that no person has an automatic right to adopt a child and that adoption is not an arrangement, or direct 'contract' between a child's birth parents and other adults seeking to acquire the care of the child. Please access the Department of Child Safety's website [www.childsafety@qld.gov.au/family/adoption](http://www.childsafety@qld.gov.au/family/adoption) for more information on *the United Nations Convention on the Rights of the Child (UNROC) 1989*, and the *Hague Convention*.

The number of people seeking to adopt children from overseas has increased significantly in recent years. Overseas countries have their own laws, policies and procedures for placing children with adoptive families. The Department of Child Safety has no control over the number of children requiring adoptive placements in overseas countries. Neither can the Department influence the length of time it takes for a couple to be placed with a child.

Although there is a commonly held perception that there are many children requiring families in orphanages in overseas countries, many of these children due to various legal reasons cannot be adopted. For example the *Hague Convention* Article 21(b) requires that intercountry adoption may be considered as an alternative means of a child's care, if the child cannot be placed in a foster or an adoptive family or cannot in any suitable manner be cared for in the child's country of origin. The circumstances for some children may be that no legal consent has been provided enabling consideration of adoption as an option to meet the needs of the child.

### ***Legislation guiding adoption***

The *Adoption of Children Act 1964*, *Adoption of Children Amendment Act 2002* and the *Adoption of Children Regulation 1999* provide the legal basis for adoption in Queensland. The Department of Child Safety is the sole agency with authority to arrange adoptions in Queensland and is responsible for administering the Act and Regulation and the Intercountry Adoption Program in Queensland.

### *Eligibility Criteria*

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Persons expressing interest in being assessed as prospective adoptive parents are required to meet the eligibility criteria specified in Section 5 of the *Adoption of Children Regulation 1999*, and amendments.

For couples to be eligible to have their names entered in the Expressions of Interest Register:

- they must be resident or domiciled in Queensland;
- they must be Australian citizens or at least one of them must be an Australian citizen;
- they must not be suffering from a physical or mental condition, or have a physical or mental disability, to an extent that the person could not provide a high level of stable, long term care for a child;
- they must have been married for at least two years;
- there must not be more than four children in the custody of either or both of the prospective adoptive parents;

Amendments to the *Adoption of Children Regulation 1999* made in 2004 have removed the upper age limit of people seeking to be assessed as prospective adoptive parents.

However, the *Adoption of Children Act 1964* prescribes the following with respect to **Age of Adopters** and this has remained unchanged:

*The chief executive shall not make an adoption order in favour of a prospective adopter who or in favour of prospective adopters either of whom -*

- *has not attained the age of 21 years ; or*
- *being male, is less than 18 years older than the child concerned or, being female, is less than 16 years older than the child concerned.*

After establishing their eligibility under the provisions of Queensland legislation, couples may be required to provide additional information to the Department of Child Safety to determine their eligibility in accordance with the requirements of the country from which they are seeking to adopt a child.

Information about the eligibility requirements of overseas countries is provided later in this document and will also be provided to prospective adoptive parents during the Education Sessions provided by the Department of Child Safety.

Overseas adoption authorities generally accept couples recommended by the Department of Child Safety as prospective adoptive parents for children requiring adoptive families in the relevant overseas country. However, adoption authorities in overseas countries are entitled to seek further information about approved couples before accepting them as adoptive parents for children, and are entitled to decline an application.

**Please refer to:**

**Section Four for specific eligibility criteria for each country**

**and**

**Appendix - Intercountry Adoption – Summary of Eligibility Requirements for Specific Country Programs**

### *Expression of Interest through to placement and follow up*

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#### **INITIAL ENQUIRY IN RESPONSE TO THE ADVERTISEMENT CALLING FOR EXPRESSIONS OF INTEREST.**

As a first step, couples considering the adoption of a child from an overseas country are encouraged to read this “Expression of Interest Information Kit” and to access the Department of Child Safety’s website [www.childsafety.gov.au/family/adoption](http://www.childsafety.gov.au/family/adoption) for more information on:

- general adoption information
- eligibility requirements
- the assessment process and associated fees
- information concerning countries with agreements with Australia
- support available for example adoption support groups, government and community agencies.

Should couples require additional information, they are then encouraged to contact the Intercountry Adoption Unit.

***It is important for all couples who decide to lodge an Expression of Interest to be assessed as prospective adoptive parents for a child to be aware that:***

- the welfare and interests of children requiring an adoptive family are paramount in the adoption process
- there are many more couples seeking to adopt children than there are children being placed with families in Australia
- both partners in a marriage must be equally committed to the decision to apply to adopt a child
- the waiting time for approved prospective adoptive parents to be placed with a child can be extensive
- feelings of grief and loss associated with infertility, where applicable, need to be accepted and addressed before they can consider whether adopting a child is right for them

- they must have completed treatment for infertility, where applicable, prior to the commencement of the adoption assessment process as it is difficult for couples to come to terms with the reality of adoptive parenting if they are attempting to achieve a pregnancy
- adoption is about providing for a child's individual needs and cannot be considered as a means of providing company for a lonely spouse or another child in the family, or as a means of resolving other problems
- adoptive families can find some people's attitudes toward adoption based on a limited understanding of adoption, insensitive
- adoptive parenthood is different from biological parenthood but can be as successful and satisfying for children and adoptive parents
- adoptive parenthood carries the additional responsibility of helping the child to become psychologically adjusted to the idea of having two sets of parents, and to his or her adoptive status
- the waiting period associated with adoption can leave couples feeling that other aspects of their lives are on hold
- not all couples who seek to be assessed as prospective adoptive parents will be eligible nor will all eligible couples be favourably assessed as prospective adoptive parents.
- Overseas countries have their own selection criteria that the Department of Child Safety must abide by.

The Director-General, Department of Child Safety has the authority to make adoption orders in Queensland. In other states, various courts are responsible for making adoption orders. In some overseas countries adoption orders are finalised prior to the child travelling to Australia.

***Couples considering the adoption of a child from an overseas country also need to be aware that:***

- It is important for a child to be raised in an environment that promotes the child's cultural identity
- in some instances it has been possible for adopted persons, after they reach 18 years of age, to make contact with members of their birth families in their country of origin and for members of an adopted person's birth family to make contact in Australia with the adopted person, after he or she has reached 18 years of age
- adoption authorities in overseas countries are not obliged to place children with every prospective adoptive family approved by the Department of Child Safety
- due to factors outside the control of the Department of Child Safety, it is not possible to predict the amount of time it may take for prospective adoptive parents to be



considered for a possible placement of a child once their file is forwarded to the relevant overseas adoption authority.

Further information about these issues can be found in the following sections of this Expression of Interest Information Kit, the suggested reading list and the Department of Child Safety's website.

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## **LODGEMENT OF AN EXPRESSION OF INTEREST AND CONFIRMATION OF ELIGIBILITY.**

Under the *Adoption of Children Amendment Act 2002*, persons wishing to adopt a child are able to lodge a formal expression of interest in response to a publicly advertised call for expressions of interest by the Director General, Department of Child Safety. *Expressions of Interest* are only called for when it is necessary to increase the number of persons on the register to meet the anticipated placement needs of children.

***Expressions of Interest* can be made by completing the enclosed Form 1B.**

Important information to consider before completing Form 1B.

1. Information provided by you on this form will be used to establish whether you meet initial eligibility requirements and whether you have the potential capacity to meet the needs of children from overseas requiring adoptive placements. It will also assist in determining the order in which you may be invited to be assessed as prospective adoptive parents later in the process (please refer to the following section – 'Invitation to be assessed' for more information).
2. In addition to personal information, the Expression of Interest form also asks for information about the following areas:
  - Experience in parenting or caring for children
  - Knowledge of adoption issues
  - Information exchange with the birth family
  - Knowledge and or experience that would assist you in parenting a child who has a complex medical or social background or a disability
  - Your own cultural background, your prior contact with people from a different race/culture
  - How you would assist a child to develop and maintain his/her cultural identity in a positive way
  - Your capacity to provide a suitable family for a child or children with particular characteristics
  - and/or needs. For example age groups, gender, or a sibling group.

Information to assist you with the completion of your Expression of Interest can be accessed by referring to the suggested reading, the Department of Child Safety's website and intercountry adoption support groups.

*Expressions of Interest* received by the Director-General by the closure day for the relevant invitation are entitled to have their name entered in the Expression of Interest Register. Under current legislation, the Director-General must remove the person's name from the Register if:

- ❑ the person is, as prescribed under a regulation, ineligible to have the person's name entered in the register; or
- ❑ the person does not comply with a requirement prescribed under a regulation.

Within 14 days after the removal of a person's name from the Register, the Director-General must give written notice to the person of the removal. The notice must state:

- ❑ the reasons for the decision; and
- ❑ how the person may seek to have the decision reviewed by the Children's Services Tribunal.

### ***Withdrawal***

Under the provisions of Section 20 of the Regulation, couples may withdraw at any time by advising the Department of their decision to withdraw in writing.

The Department is required to remove the couple's names from the Expression of Interest Register, Intercountry Adoption Program following receipt of a written request. Then the Intercountry Adoption Unit will provide couples with written confirmation that their names have been withdrawn from the Expression of Interest Register.

## ***Fees and costs***

### ***Application Fee***

At the point of initial expression of interest, couples are required to pay a fee of \$53.00

### ***Assessment Fee***

Prior to the commencement of their assessment, couples are required to pay an assessment fee of \$2,000.00.

The assessment fee cannot be refunded if couples withdraw after the assessment has commenced or been completed. Consideration may be given to refunding the assessment fee if couples withdraw before the assessment commences.

### ***Fees charged by overseas adoption authorities***

Couples must also pay fees required by overseas adoption authorities and for the costs associated with travelling to, and staying in, the relevant overseas country to take custody of a child. These costs may vary between \$10,000 and \$30,000 and are subject to change. In

most instances fees paid to overseas adoption authorities cannot be refunded if couples withdraw.

### 3

## EDUCATION SESSIONS

Couples are required to participate in adoption education sessions prior to the assessment as an essential step in the process. Adoption Education Sessions are held in various locations from time to time throughout the year. Couples will be advised of the dates for upcoming sessions and be asked to nominate the session they will attend.

Education sessions are designed to provide persons wishing to be assessed as prospective adoptive parents with detailed information about:

- the operation of the Intercountry Adoption Program
- eligibility criteria
- specific country information
- assessment processes
- issues about meeting the needs of children adopted from overseas and adoptive parenting
- the preparation of documents to inform the assessment process

### 4

## ASSESSMENT PROCESS AND PLACEMENT CONSIDERATIONS

### *Invitation to be assessed.*

Couples with their names on the Expression of Interest Register and who have maintained their eligibility will be invited to be assessed as prospective adoptive parents. Couples will be assessed in the following order, having regard to the eligibility criteria of the overseas country:

- Couples where one or both of them are from the same cultural background as the child.
- Couples who have expressed a willingness to be assessed for a child with specific needs (e.g. a child with a medical condition and/or disability or potential to develop a medical condition- subject to Commonwealth Immigration health requirements).
- Couples who have already adopted a child from the country from which they are seeking to adopt another child.
- Couples who have experience caring for or working with children.

- Other couples who have expressed interest in being assessed as prospective adoptive parents.

### ***Decision not to assess***

People whose names are entered in the Expression of Interest Register who seek to be assessed as prospective adoptive parents for a child from a specific country, who do not meet the criteria specified by the relevant overseas authority:

- Will not be invited to be assessed
- Must be advised of the criteria with which they do not comply

In addition, the Manager, Intercountry Adoption Unit must seek clarification from the relevant overseas authority if necessary.

## **ASSESSMENT PROCESS**

After a couple's eligibility is established an assessment must be made of whether they are 'of good repute and are fit and proper people to become adoptive parents.'

The assessment is undertaken by an Adoption Contract Worker with approved qualifications in the Behavioural Sciences. Workers undertaking adoption assessments are required to arrange a minimum of four interviews with the couples, any children who are members of the family and anyone else who resides in the home. The worker is required to undertake the interviews over a period of time and will conduct both joint and individual interviews with the couples. The interviews usually take place in the couple's home, the Department of Child Safety's office or other office if necessary. At least one interview needs to take place in the couple's own home. The Adoption Contract Worker does not have any authority in relation to assessment outcomes.

It is essential for couples who have expressed an interest in being assessed as suitable prospective adoptive parents for a child from overseas to be well informed about adoption issues. This is part of healthy preparation for adoptive parenting. Couples are encouraged to take responsibility for informing themselves about issues in preparation for their adoption assessment.

### ***What areas will the assessment cover?***

Section 11 of the *Adoption of Children Regulation 1999* prescribes that the Department of Child Safety must have regard to:

- ❑ the quality of the couple's marriage, including its stability;
- ❑ each person's capacity to be an adoptive parent including their emotional capacity and other personal qualities, financial stability, their capacity to ensure a child's safety and wellbeing and any other matter relevant to their capacity to provide for a child's emotional, physical, educational, recreational and social needs; and
- ❑ each person's attitudes to, and understanding of children and their physical and emotional development, the responsibilities and duties of parenthood.

Section 12 of the Regulation prescribes that the Department must also have regard to:

- ❑ the couple's understanding of, and interest in, the country from which the child is to be adopted and the culture of that country; and
- ❑ the couple's ability and willingness to continue to learn about the country and its culture, after placement of an adoptive child from that country with the prospective adoptive parent, and to help the child to learn about the country and its culture.

The assessment is designed to identify whether a couple has the capacity to provide a child with high quality care and a secure family environment which is sensitive, and able to respond appropriately to, tasks specifically associated with parenting an adopted child.

Individuals and couples have a range of personal qualities, strengths, life skills, social skills, knowledge from formal learning and from personal and family experiences as well as proven abilities to understand and respond at different times to challenging life events in a positive way. These qualities, skills, knowledge and abilities can be considered competencies possessed by an individual or couple. Many of these competencies have direct relevance to whether a person is likely to have the capacity to be a suitable adoptive parent and provide evidence upon which to base assessment decisions.

A couple's suitability to be approved as prospective adoptive parents is assessed by gathering evidence about the extent to which the couple possesses essential competencies required of adoptive parents. The essential competencies required by adoptive parents can be summarised as:

- Insight into family background and personal experiences
- Insight into the experience of infertility
- Understanding of children's needs and ability to provide high quality care for children
- Ability to provide a safe and caring environment for children
- Understanding of issues associated with parenting children from cultural backgrounds that differ from the prospective adoptive parent's background
- Motivation for seeking adoption and understanding of adoption as a life long process

(More specific details of each of these competencies will be provided at Education Sessions).

During the assessment process, prospective adoptive parents may be asked to provide additional evidence that they possess or have the capacity to acquire the specific competencies. For example in demonstrating that you have an understanding of children's needs and an ability to provide high quality care you would need to provide evidence that:

- you have knowledge of child development, and
- you also have the ability to apply this knowledge by listening to, communicating with and responding to children in a manner appropriate to the child's age and level of maturity.

Types of evidence that can be used include completion of specific tasks, records of observations, relevant experience and supporting statements. Couples may be asked to complete assignments and case studies, genograms or ecomaps. Supporting statements from friends, colleagues or other professionals may also be provided as further evidence.

### ***Determination of suitability as prospective adoptive parents***

Once a couple's assessment is completed, it along with other documentation will be reviewed by the Assessment Review Team. The Assessment Review Team will then provide a recommendation to the Manager of the Intercountry Adoption Unit to assist in determination of the couple's suitability.

Information considered when assessing a couple's suitability includes:

- ❑ criminal history
- ❑ references
- ❑ client and child protection information recorded by the Department of Child Safety
- ❑ family profile
- ❑ participation in education programs and demonstrated wide reading of texts exploring adoption issues
- ❑ the assessment undertaken by the Adoption Contract Worker or Adoption Officer (series of interviews with the couple, and their family if applicable)
- ❑ the child's Adoption Life Story Book completed by the couple
- ❑ any other relevant information.

### ***Other relevant information***

In some instances it may be necessary for couples to provide the Department with additional information about some aspects of their expression of interest before a final decision about their assessment can be made. Additional information about a range of issues may be required. Additional information may include, but is not limited to:

- details of any contact a couple has had with the Department of Child Safety
- the views of members of the extended family to the proposed adoption
- the views of the couple's children from a former relationship to the proposed adoption
- information about other adults living in the household
- additional medical/specialist reports.

## ***Approval/non approval***

The Manager of the Intercountry Adoption Unit makes a decision as to whether the couple are favourably assessed based on all of the available information. The person about whom the favourable assessment is made is a 'prospective adopter'. For each prospective adopter the Director-General must enter the person's name in the Assessment Register as a prospective adopter and then must remove the person's name from the Expression of Interest Register.

Should a decision be made that a couple are unfavourably assessed, then within 14 days of making this decision, the Director-General must give written notice to the person. The notice must state:

- the reasons for the decision; and
- how the person may seek to have the decision reviewed by the Children's Services Tribunal.

## ***Couples being assessed to adopt a second or subsequent child***

Under the provisions of the Act, the Department of Child Safety must assess each and every expression of interest made by a couple.

Although couples expressing an interest in adopting a second child have previously been approved to adopt a child, their current eligibility and expression of interest must be thoroughly assessed to consider any new issues that have arisen and the changes that have occurred in the family's circumstances and family composition.

Some documentation that is held on file from the couple's first adoption process could be used in support of their second expression of interest. However, some documentation will need to be updated. Couples will be advised of the documents and information required in support of their second expression of interest.

## ***PLACEMENT CONSIDERATIONS***

The Department of Child Safety is committed to optimising the potential for successful adoption outcomes by limiting risk factors in placements and ensuring that the needs of the child to be adopted are paramount in all considerations.

### ***Age of children requiring adoptive placements***

Children being placed for adoption from overseas countries have complex needs resulting from their early life experiences and the disruption that occurs in their development when they are placed with a new family in a country that is unfamiliar to them.

Children may demonstrate a range of challenging behaviours and special needs and may experience difficulties in forming interpersonal relationships and adjusting to their new family, culture, language and education system. These problems are usually less severe for children adopted early in life.

In an attempt to enhance adoption outcomes for children and adoptive families, the Department generally supports the placement of a child from an overseas country with



Queensland couples only where the child is under five years of age. The Department will not approve the placement of a child who is over five years of age unless the child is adopted with his or her siblings and the youngest sibling being adopted is younger than five years of age.

The placement of an individual child from an overseas country with Queensland couples generally will not be supported if the child is over five years of age.

### ***Infertility treatment***

There is no requirement for couples to be infertile to be eligible to have their names entered in the Expression of Interest Register, Intercountry Adoption Program. Some countries however require confirmation of infertility prior to considering a couples expression of interest.

All couples need to carefully consider their readiness to form a family or extend their family through adoption. Couples who are infertile also need to consider whether the time is right for them to proceed with their expression of interest to adopt a child, rather than continue or commence treatment for infertility. It is difficult for couples who are participating in infertility treatment to give sufficient consideration to the reality of adoptive parenthood while they are attempting to achieve a pregnancy.

It is widely acknowledged that the most significant demand on a family formed by adoption is the ongoing need for both parents and children to work through the feelings of pain and loss associated with the experience of adoption. For many adoptive parents it is about their infertility; for the child it is about the loss of growing up without his or her biological parents.

Potential adoptive parents need to have an understanding of the many losses associated with their infertility, including the loss of genetic continuity both in the past and in the future, loss of control, loss of joint conception of a child with one's partner, loss associated with the physical and emotional experiences involved in pregnancy and birth, loss of the opportunity to parent and perhaps many more. Any experience of loss results in an individual commencing a journey of emotional pain and adjustment.

Couples need to allow themselves time to fully grieve their losses and make the necessary adjustments prior to taking on alternate parenting through adoption. In view of complex issues surrounding adoption and the need for couples to adequately prepare for adoptive parenthood, the Intercountry Adoption Unit requires couples to have completed their fertility treatment prior to reaching the education and assessment stage of the adoption process.

If couples are planning a pregnancy or uncertain about proceeding with adoption and postponing or discontinuing treatment for infertility, they may:

- postpone their assessment, for a maximum period of two years, until after the delivery of the child or while they pursue treatment for infertility or
- they may choose to remove their names from the Expression of Interest Register.

### ***While your file is overseas awaiting consideration of a placement***

Once your file is forwarded to the overseas country the overseas agency understands your readiness for consideration of a child. It is an expectation (especially if you have

unexplained infertility) that you will take reasonable contraceptive precautions and continue to maintain this until eighteen months after a child is placed in your care.

If a female prospective adoptive parent becomes pregnant after the couple's file is forwarded to an overseas country, the couple is required to advise the Department of the pregnancy.

The placement of a child with a couple cannot proceed if the female prospective adoptive parent is pregnant at the time an overseas adoption authority makes a placement decision in favour of the couple. At this time the couple may:

- postpone their expression of interest until after the delivery of the child or for a maximum period of two years, or
- they may choose to withdraw their expression of interest.

### ***Placement of siblings***

In an attempt to enhance adoption outcomes for children and adoptive families, The Department supports the placement of siblings from an overseas country with Queensland couples only where couples demonstrate their capacity to meet the needs of a sibling group. Couples must have the capacity to provide for the individual needs of each child in a sibling group.

The Department requires couples seeking approval as prospective adoptive parents for a sibling group to demonstrate that they:

- have the necessary personal qualities to assume the responsibilities of parenting siblings
- understand the developmental, physical and emotional needs of children at different ages and stages of development
- understand the child's cultural background and the differing adjustment issues children of different ages may experience
- have experience parenting or caring for children
- are financially secure and have the capacity to provide for the children's ongoing physical, educational, recreational and social needs
- can provide adequate accommodation for the children
- have a supportive network of friends and family.

These issues are carefully considered in the assessment process before a recommendation is made about whether couples are approved as prospective adoptive parents for siblings.

Couples need to be aware that even if they are approved as prospective adoptive parents for siblings, there is no guarantee that siblings will be available for them to adopt from the relevant overseas country. The adoption authority in the overseas country may consider placing a single child to couples approved as prospective adoptive parents for siblings if

there are no siblings available for adoption but there are single children requiring placements at that time. In some instances couple's waiting time may be extended until the adoption authority requires a placement for a sibling group.

## ***Age differences between children in the family***

In an attempt to promote healthy attachments between children and their adoptive families, the Department requires that there is a minimum two year age gap between a child to be adopted and other children in a family. This means that when a child is being placed within a family:

- the adopted child must be two years younger than any other child in the family
- the female prospective adoptive parent must not be pregnant at the time of placement.

Couples may postpone their expression of interest if the female prospective adoptive parent is pregnant until after the delivery of the child. However, couples cannot be considered for the placement of a child until their biological child is two years of age.

Couples may postpone their expression of interest for a maximum period of two years by writing to the Manager, Intercountry Adoption Unit.

## ***Couple's commitment to personally provide full time care for a child for twelve months after placement***

In an attempt to promote healthy attachments between children and their adoptive families and to provide stability for children, the Department requires adoptive parents to personally provide care for their child for at least twelve months from the time the child enters their care. You may wish to read further on the development of attachment and bonding between infants and their caregivers. Please refer to the suggested reading list included in this Information Kit.

Parents may choose to share the responsibility for caring for the child by taking consecutive periods of six months leave from their employment, or one parent may choose to take a longer period of leave from work.

For at least twelve months after a child enters couple's care:

- the child must be in the care of one of his or her parents at all times regardless of the child's age at the time he or she enters their care
- couples may make care arrangements for the child for occasional brief periods while they engage in social or recreational pursuits or attend medical appointments etc. In these circumstances the couples are responsible for ensuring that the child receives high quality care
- couples cannot place a child in a child care setting for extended periods of time or in the care of a babysitter, friend or relative while they work or study.

## **Child's name**

Under the provisions of Section 30 of the *Adoption of Children Act 1964* an adopted child will have the same surname as his or her adoptive parents upon the making of an adoption order. The child's adoptive parents nominate the first name or by which they wish the child to be known and if approved by the Director-General the Department of Child Safety, the child will have that name or names upon the making of an adoption order.

Adoptive parents are encouraged to retain the first name or names by which the child has been known since birth in the child's name upon the making of an adoption order. This can be a sensitive issue for some adoptive parents who have strong feelings about giving the child a new name or names in order to secure the child's identity within his or her adoptive family.

Retaining a child's original first name is particularly significant for a child who is eighteen months of age or older and who has been known by his or her original name since birth. The child's name is very much a part of their identity and is a tangible link to the child's family and country of origin, and to the child's culture.

In most instances adoptive parents are sensitive of the need to secure their child's identity within the adoptive family and of the need to ensure the child's identity reflects his or her cultural heritage. Parents usually include the child's birth name as the child's given name or his or her second or third given name in order to recognise and enhance the link between the child's original culture and adoptive family.

It may be appropriate to 'anglicise' a child's birth name, if the name has a negative meaning or is difficult to pronounce, when including it in the child's certificate of birth after adoption.

### **5**

## **OVERSEAS PROCESS**

Individual countries, with which Queensland has negotiated adoption agreements, also specify eligibility criteria for prospective adoptive parents seeking to adopt a child from that country. After establishing their eligibility under the provisions of Queensland legislation, prospective adoptive parents may be required to provide additional information to the Department of Child Safety to determine their eligibility in accordance with the requirements of the country from which they are seeking to adopt a child.

Overseas adoption authorities generally accept prospective adoptive parents recommended by the Department of Child Safety. However, they are entitled to seek further information before considering them as prospective adoptive parents. Adoption authorities in overseas countries are not obliged to place children with every prospective adoptive family approved by the Department of Child Safety.

Overseas adoption agencies use information in the assessment to determine the best possible placement for a child and which prospective adoptive parents are best able to meet the child's individual needs. In some overseas countries, birth mothers/parents choose the adoptive family for their child. As a result, birth mothers would receive varying degrees of detail about prospective adoptive parents, depending on the country and the allocation process used by the country concerned.

Children requiring adoption placements from overseas have a broad range of needs depending on their age, medical and social backgrounds. Overseas adoption authorities are committed to optimising the potential for successful adoption outcomes by limiting risk factors in placements and ensuring that the needs of the child to be adopted are paramount. Hence a thorough assessment which includes evidence of specific competencies with respect to the capacities of prospective adoptive parents and their preparedness for post adoption tasks is an essential aspect of identifying the most suitable placement.

For example the Intercountry Adoption Board (ICAB) in the Philippines follows very specific guidelines when making placement decisions for children requiring overseas adoptive families. Their placement committee holds a placement conference in which at least three priority families are selected for each child. The family selection is based on a criteria consisting of social, economic, psychological and other considerations including childcare plans and support system. The Placement Committee after discussion on the child and the three families then requests that their Social Worker recommend the proposed first, second and third priority family and justification for such choices including a comparative analysis of the strengths and weaknesses of the proposed families. Should the Placement Committee not approve the proposal, the Social Worker may be asked to review other assessment reports until the most appropriate family is selected. In some cases, a placement decision may be deferred.

It is important to note that overseas adoption authorities are not bound to make placements in accordance with the chronological order in which prospective adoptive parents files have been forwarded overseas. Hence, it is not uncommon for placements to be made without any reference to chronological order of files received from Queensland – the most suitable placement is recommended irrespective of when a file has been received. The files of Queensland families are also considered along with those from other countries. This means that in some programs placements may not happen in chronological order and there have been instances where some prospective adoptive parents with files overseas have not been placed with a child.

The final decision relating to placements is made by the overseas country, and no guarantee can be given that a child will be placed with prospective adoptive parents whose assessment and other documentation is being considered by the overseas agency.

Once the overseas adoption authority makes a placement decision the Intercountry Adoption Unit is notified. If the placement decision is suitable and can be approved, the Manager Intercountry Adoption Unit will formally approve the placement decision. Arrangements are then made for an Adoption Contract Worker to meet with the couple to discuss the possible placement of the child, considering the needs of the child, the couple's current circumstances and their capacity to meet both the immediate and longer term needs of the child. Prospective adoptive parents may ask for some time to consider the possible placement of the child, and are encouraged to seek any further information that may assist them in the decision.

**6****TRAVEL AND SETTLING IN**

Once a placement decision has been approved and accepted, there may be some factors, which delay the placement of the child such as medical issues or a relative may be identified to care for the child. In addition there are arrangements to be made, for example:

- legal and administrative processes in the child's country need to be finalised
- the child must be medically examined and cleared for immigration to Australia as the initial step for the issue of a Visa for the child
- the child passport needs to be issued by the authorities in the child's country and/or
- the child is prepared for the planned adoption, meeting the family and coming to Australia.

Once these arrangements are completed couple's are required to travel to the child's country to meet and take custody of the child, and complete any formal requirements of the country.

**7****POST PLACEMENT**

Upon arrival of the child in Australia, the Director-General, Department of Child Safety will make an Interim Order for a period of approximately 12 months. (In some cases, Interim Orders are not made as final Adoption Orders are completed in the child's birth country, however post placement reports are still required). While the interim order is in place the Director-General retains guardianship of the child while the legal custody and responsibility for the day to day care is transferred to his or her prospective adoptive parents. The Intercountry Adoption Unit is required to provide regular reports about the child's progress and photographs of the child to the overseas country during the interim period. Post placement assessments are undertaken one month, four months, seven months and ten months after placement. An Adoption Contract Worker visits families after the placement of a child to offer support to the family and supervise the progress of the child's placement. The worker then prepares a report that will be forwarded to the overseas adoption authority providing information about the child's progress and the family's adjustment. The adoptive parents are required to provide photographs of the child for inclusion in the post placement report.

***Purpose of post placement follow up***

The addition of any new member to a family creates change that requires adjustment on the part of all members of the family. The inclusion of a child adopted from an overseas country provides both the child and the family with unique challenges and adjustments. Families are faced with an array of decisions relating to the practical, social, emotional and developmental needs of the child for example: establishing a daily routine, overcoming communication difficulties, attending to medical needs, arranging kindergarten or preschool registration, meeting the child's dietary requirements, etc.

After a child is placed with adoptive parents, all members of the family must make new adjustments as roles are redefined and relationships altered. Siblings may feel resentment towards the new child who occupies the parent's attention and he or she may display attention seeking behaviour not previously exhibited. Previously childless couples are faced with changes to their employment situations, additional financial commitments, and marital role and relationship adjustments.

Just as everything is new to the family so to is it new for the child. The child is confronted with an array of new sights and sounds, a new language, different foods, education system, accommodation, clothing, new relationships, routines and rules. Research indicates that the majority of children and their families successfully adjust to these changes and develop long term healthy relationships. The provision of timely support services and the capacity of adoptive parents to seek assistance when required contribute to creating a positive adjustment experience for children and their families. Families formed by adoption need to receive support and assistance during the early stages of a child's placement. The provision of regular post placement follow up by Adoption Contract Workers and staff of the Intercountry Adoption Unit allows for this to occur.

Many children and their families find it helpful and enjoyable to meet with other intercountry adoptive families or to participate in adoptive parent support groups. Families who participate in support groups have reported that it has:

- ❑ helped them complete tasks and develop realistic expectations associated with their adoptive parenthood;
- ❑ provided opportunities for them to learn about other cultures; and
- ❑ provided opportunities for them and their child to socialise with other adoptive families and children who have been adopted from overseas.

Some families experience difficulties from time to time. For adoptive families there are different issues that may arise. Support or assistance from other professionals might be of value and couples are encouraged to seek this out.

At the end of the twelve month post placement period (or other period as specified for the individual program) the progress of the child's placement is reviewed by the Intercountry Adoption Unit. If there is sufficient evidence that the placement is stable and secure and the child's individual needs are being met by the adoptive parents, a recommendation that an Adoption Order is made. The Director-General, Department of Child Safety has the authority to make the Adoption Order which transfers the legal guardianship of the child to the adoptive parents. Under the legislation provision is made for an extension of the adoption order if required. After the finalisation of the order some countries require provision of ongoing information about a child's progress. Adoptive parents will be obligated to send information, letters, photographs, etc., for a certain period of time even after they have become the child's legal guardians. This also assists in maintaining the links between the child and his or her country.



### *Overseas country information*

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#### **A) Overseas country eligibility requirements**

Couples seeking to adopt a child from an overseas country must meet eligibility criteria specified in the *Adoption of Children Regulation 1999* to have their names entered in and remain on the Expression of Interest Register.

In addition to maintaining eligibility specified in the *Adoption of Children Regulation 1999*, individual countries with which Queensland has negotiated adoption agreements specify eligibility criteria for prospective adoptive parents seeking to adopt a child from that country.

Only couples who meet Queensland eligibility criteria can express an interest in being assessed as prospective adoptive parents for a child from an overseas country, even where eligibility criteria specified in Queensland legislation are more restrictive than the criteria specified by the adoption authority in the relevant overseas country.

In some instances eligibility criteria specified by adoption authorities in overseas countries are more restrictive than those prescribed in Queensland legislation. In these instances, although prospective adoptive parents are eligible to have their names entered in the Expression of Interest Register in Queensland, they cannot be considered as prospective adoptive parents for children from countries whose eligibility criteria is more restrictive than those specified in Queensland legislation.

You will be invited to nominate 3 countries of interest on your Expression of Interest form however it is possible to be approved as prospective adoptive parents for only one overseas country. Information regarding specific overseas adoption programs and eligibility criteria will be discussed at the Education Programs about which you will be advised in due course.

After establishing eligibility, couples must also be favourably approved as prospective adoptive parents for a child from a specific overseas country before their documents are forwarded to the adoption authority in the relevant country.

#### **B) Country information**

The information provided in this Kit outlines:

- the placement needs of children from particular countries (where known)
- eligibility criteria specified by the relevant adoption authorities
- the approximate costs associated with adopting a child from particular countries.

The operation of Intercountry Adoption Programs with specific countries and the placement needs of children in particular countries can change from time to time with little notice. The

Department of Child Safety advises prospective adoptive parents about significant changes and developments in programs through the Intercountry Adoption Unit.

Prospective adoptive parents whose files have been forwarded to a country prior to changes in the program will be contacted by the Intercountry Adoption Unit with information about how the changes may affect them.

More detailed information about the operation of specific adoption programs is provided in intercountry adoption education seminars, which prospective adoptive parents are required to participate in as part of the adoption assessment process.

**Further information on the individual country programs listed in the next section is available at the Intercountry Adoption Unit. The office can be contacted on 34043112 or toll free 1800 003 969 for callers outside Brisbane**

## **CHINA**

This program commenced in January 2000. It is growing in popularity.

### **Specific eligibility criteria and information about children requiring adoptive placements:**

- Couples must both be 30 years or more of age at the time the file is sent to China.
- Couples aged under 45 can be considered for a child up to two years, couples aged between 45 and 49 for a child up to 3 years of age, and couples aged between 50 and 55 can be considered for a child over 3.
- Where one prospective adoptive parent is significantly older than the other is, the age of the younger partner is considered with respect to the age of child to be placed. Where the older partner is female, the assessment report will need to address carefully the length and stability of the relationship. The marriage of an older woman and a younger man is not considered culturally acceptable in China.
- No more than four existing children in the family; existing children may be either biological or adopted from other countries.
- Children placed through this program are almost exclusively female.

### **Total costs**

Approximately US\$13,530 including accommodation plus the cost of the airfares (between A\$1,000 and A\$1,800 each depending on the season plus one way ticket for the child) plus immigration application, currently A\$1,075.

Please note that the above cost includes a donation of US\$3,000, which is compulsory and is to be paid in cash to the Children's Welfare Institute while couples are in China. The total costs are between A\$20,000 to A\$30,000.

## **COLOMBIA**

No additional files are required by Colombia at this time.

### **Specific eligibility criteria and information about children requiring adoptive placements:**

- Age: 25 to 40 years of age. Couples older than 40 years may be considered in some circumstances.
- Marriage: Minimum of 5 years (3 years may be acceptable with proof of a long-standing relationship).
- Infertility: Couples must be infertile / unable to have more children biologically.
- Other Children in the family - no more than one biological child in the family. Maximum number of 2 other children. Couples who have expressed an interest in an adoptive placement of a third child are not acceptable. There may be flexibility if considering an older child and can demonstrate exceptional parenting skills.
- Preference may be given to second couples who have already adopted a child
- Children requiring adoptive placements: Gender of child cannot be nominated for the first child adopted. The majority of children requiring adoptive placements are 0 - 12 months.
- Waiting Period: Currently unknown - could expect a waiting period of at least two-three years from the time their documents are approved by FANA (Funacion Para la Asistencia de la Ninez Abandonada).

### **Costs:**

Approximately A\$30,000 plus. - This includes Airfares, Accommodation, Legal costs, Translation of Documents, etc.

## **ETHIOPIA**

### **Specific Eligibility Criteria and information about children requiring adoptive placements:**

- Couples under the age of 41 years (at the time of a placement decision, not at the time when the file is sent to Ethiopia) can be considered for adoption of infants less than 2 years of age. Couples over the age of 41 years can be considered for the placement of older children over 2 years of age or for 'Special Needs Children' which in Ethiopia refers to the adoption of twins, siblings groups (where one child is under the age of 5 years) or older children. There may be some flexibility in relation to couples who exceed the upper age limit if the female prospective adoptive parent is significantly younger than the male and is still under 41 years of age.
- If couples are seeking to adopt a sibling group, they need to be aware that the assessment process will involve considering their capacity to parent siblings and to meet the children's individual and joint needs. The couples can only be approved to adopt a sibling group if it is determined that they have the capacity to parent siblings.
- Existing children in the family are acceptable however couples who have biological children and have also adopted from two countries other than Ethiopia may not be able to apply.
- Couples need to carefully consider and accept possible health risks for babies and children adopted from overseas. Due to the poor hygiene and health conditions, the health risks for countries such as Ethiopia may be higher than for other countries. Although very rare, couples also need to consider very carefully the possibility that a female child may have been circumcised. Articles on female circumcision are available from the Intercountry Adoption Unit and can be forwarded to couples on request.
- Couples need to be able to name their religion and be considered to be living by Christian principles. Past experience with this program suggests that couples do not necessarily have to be practicing their religion or attending Church, however according to the Ethiopian authorities this is preferable and a letter from a pastor/ priest is required as part of the file. Religion is a sensitive issue in Ethiopia and couples whose religion is not 'mainstream' (i.e. not Anglican, Catholic, Orthodox, or Protestant) need to discuss this with the Intercountry Adoption Unit and provide written information about their religion if needed. This information can then be clarified with Ethiopia and couples will then be advised whether or not files pertaining to such couples can or cannot be sent to Ethiopia. Ethiopia will not consider couples who are Jehovah's Witness.

### **Waiting Period:**

- Ethiopia is a relatively popular program. An Australia wide system of a specified number of files for placement of a child under the age of four years for each State or Territory is in place to manage the number of unallocated files in Ethiopian at any given time. This system is designed to ensure equity on the numbers of files sent by each Australian State and to reduce the need for regular updating of documents in Ethiopia.
- Intercountry Adoption Unit cannot advise what the waiting times will be for particular couples who have been approved as prospective adoptive parents for a child from Ethiopia. With the streamlining of processes in Ethiopia, however, the waiting time in the country is now generally between 3 and 12 months. The waiting time for a placement decision clearly reflects the needs

of the children who are awaiting adoptive placements and the parenting capacities of the prospective adoptive parents at any given time.

- Couples approved for the placement of infants under the age of two years may wait longer.
- Couples need to be clear as to their preferences for being approved for single children or sibling groups. A combined recommendation/approval can be made so long as prospective adoptive parents would be accepting of either placement.
- Couples need to provide a reference from a priest or minister of religion as part of their documentation for Ethiopia.
- The Ethiopian authorities also require couples to provide a "letter of obligation" undertaking that they will provide annual reports and photographs of their Ethiopian child until the child attains the age of eighteen years. After the Adoption Order is finalised in Queensland, parents forward these reports directly to the Adoption Committee in Ethiopia.

**Costs:**

Approximately \$A 25,000 including travel expenses and accommodation for two adults (and one child on return trip).

## **FIJI**

### **Specific eligibility criteria and information about children requiring adoptive placements:**

All eligibility criteria prescribed in Section 5 of the *Adoption of Children Regulation 1999* apply.

This is a very small program preference will be given to couples of Fijian/Indian descent

- One prospective adoptive parent must be at least 25 years of age and at least 21 years older than an infant placed.
- No limit to the length of marriage – the Australian authority is required to determine the stability of the marriage
- Existing children in the family is acceptable, however there is a slight preference for placing a child with a childless couple
- Children are usually of Fijian and Indian descent.
- Some children under 2 years are placed. Older children with special needs may require placement.

### **Costs**

- The approximate cost of charges incurred in processing an adoption, including fees charged by the adoption authority in Fiji and the cost associated with travelling to and from Fiji and accommodation while in Fiji in the order of \$10,000. These costs are in addition to any fees paid to the Department of Child Safety. At least 10 days stay is required when travelling to meet with the child.

## **HONG KONG**

Adoption of children from Hong Kong is undertaken by International Social Service (ISS) Hong Kong Branch. It is a non-profit organisation providing a variety of social services. One of the services of the Intercountry Adoption Program is to arrange overseas adoption for children who are under the guardianship of the Social Welfare Department in Hong Kong.

### **Specific eligibility criteria and information about children requiring adoptive placements:**

- Couples must have genuine motivation in adoption and are mature enough to make a life-long commitment to take up parental responsibilities for a child adopted from another country and/or culture. They must also have adequate ability and resources to parent an adoptive child and provide the child with a stable home.
- Prior to seeking approval from Hong Kong, couples wishing to adopt have to be assessed by a social worker in their country and be recommended by the relevant government department or an authorised agency of that country as suitable to adopt a child born overseas.
- Couples with the following qualities are more likely to be approved by the Social Welfare Department of Hong Kong as suitable prospective adoptive parents:
  - At least 25 years old. Those under 45 years of age are preferred. Special consideration will be given to those over 45 who are capable and willing to consider older or special needs children.
  - Those with sound health, both physically and mentally.
  - Couples married for at least 3 years, and 5 years if it is a second marriage for either one spouse.
  - Having fully completed 11 years of formal education.
  - Couples with two or more divorces are generally not considered.

Children who have less chance of being adopted locally are in need of overseas adoption.

Generally they are:

- Older children (i.e. aged 3 or above) with no complications in health or background
- Children with a range of special needs (mostly aged between 1 to 5 years old) such as:
  - Health problems, some of which are minor or correctable ones;
  - Record of delayed development, but some are gradually catching up; and/or
  - Birth history which may include having a parent with drug dependence, mental illness or mental hardship



- Majority of children are males
- Further advice also indicates that there will be a limited number of placements (worldwide) each year, (i.e. approximately 15 across five countries)

### **Costs**

Travel and accommodation (contact a travel agent for an approximate cost), registration fee (US\$ 300), allocation / consent fee (US \$1,200).

## **INDIA**

- Priority is given to couples who are of Indian descent or who have Indian Heritage under this program. Couples of non Indian descent are regarded as the lowest priority under Indian adoption legislative requirements. Indian law requires that 50% of children requiring adoptive families, be placed with Indian couples in India. In the future, agencies may accept files from couples of non-Indian descent however, files from Indian couples will be considered within a shorter period of time.

### **Specific eligibility criteria and information about children requiring adoptive placements:**

- Age - some agencies require couples to be between 25 and 40 years. Couples where one prospective adoptive parent is older may be accepted by some agencies.
- Marriage - usually a minimum of 5 years. Persons who have been previously married may not be accepted by some agencies.
- Infertility - not required although couples who have no children or one child are preferred. Couples with 2 children will be considered.
- Children requiring adoptive placements - children from infants to 5 years. Couples may be approved for sibling groups provided they are considered suitable for a sibling group.
- Waiting time for India does tend to vary and is traditionally a small program with a fewer number of placements. As stated, files for couples of Indian descent are likely to be processed more readily. In the past, the waiting time for approved non-Indian couples has been approximately 2 to 3 years after the file is sent to India.
- In some instances in the past there have been medical difficulties with children placed from India, which can create further problems with immigration requirements. Court delays are also not uncommon. There has been one case where prospective adoptive parents have waited about 12 months after a placement decision before their child clears immigration requirements.

### **Costs:**

A\$10,000 plus. In many instances, when couples accept a placement decision, they are required to give an undertaking to pay maintenance for a minimum period of 3 months or until the child is actually in their care. Costs include legal costs, maintenance, travel expenses, medical costs, etc. Medical costs could be significant if there are health issues for the child.

## **LITHUANIA**

This is a small program with about 60 children requiring an overseas adoptive placement per year from Lithuania.

Lithuania is signatory to the Hague Convention.

### **Specific eligibility criteria and information about children requiring adoptive placements:**

- Prospective adoptive parents must be under 47 years when their file is forwarded to Lithuania for consideration. The Lithuanian law does not allow the court to make an adoption order for a child where prospective adoptive parents are over the age of 50 unless there are exceptional circumstances. There may be some flexibility in relation to couples where one person exceeds the upper age limit if they are willing to accept a child with a disability.
- Special needs include children with health problems and or sibling groups of three or more.
- There are no limits on the number of biological or adopted children already in the family. However families must be able to provide evidence that their financial situation allows them to care for another child.
- There are no restrictions on religious practices. Lithuania is predominantly Roman Catholic. The Adoption Agency advises that they may require information about some non-mainstream religions if they do not understand them.
- Prospective adoptive parents must be married, however no specific length of marriage is specified.
- Children placed through this program are more likely to be at least 12 months of age and more commonly older than this (closer to 3 years of age). For younger children, the approval for prospective adoptive parents would be for a child aged 0 - 3 years of age. Families must be prepared to wait for approximately three years before being considered for placement of a young healthy child. If families are prepared to consider older children, or children with special needs, they may be considered for placement more quickly.
- Couples interested in this program need to consider very carefully their capacity to parent a child who may present with a complex range of needs associated with living in an institution eg. developmental delays, institutionalised behaviours, language difficulties, attachment difficulties etc.

### **Costs:**

- There is no fee payable to the Department in Lithuania. However, costs for this program are significant; in relation to the translation of the file, the preparation of the documents including notarisation and an apostille issued from the Department of Foreign Affairs and Trade for every original document on the file (approximately A\$60 per document). In addition there are costs for a representative who will undertake the medicals and facilitate the adoption process and travel arrangements.

## **MEXICO**

This is a very small program with very few children being placed in recent years. Mexico is signatory to the Hague Convention.

The details are limited at this stage but information provided from other Australian States indicates that:

### **Specific eligibility criteria and information about children requiring adoptive placements:**

- There are no specific age criteria and older couples may be considered
- Following approval in Queensland, the file is sent to Mexico where the waiting period for prospective couples is approximately 3 years
- Only children over the age of three years required adoptive placements overseas
- Once the file is received by the Mexican Authority, the Intercountry Adoption Unit, Queensland is notified of the acceptance of the application.
- Once a placement proposal is made and accepted by the prospective adoptive parents they are then required to travel to Mexico. Both partners must remain in the country for three weeks during which time they can get to know the child. It is during this time that the Mexican authorities assess the suitability of the placement decision and the prospective parents' ability to care for the nominated child. The couple then meets with the agency to obtain approval for the adoption to go ahead. Once approval is given by the agency for the adoption to proceed, one parent must stay in Mexico for 3 months in order to meet legal requirements.

### **Total costs**

Full cost details are not available due to the extended nature of the stay required in Mexico. Couples would be strongly advised to investigate costing with a travel agency prior to committing themselves to pursuing adoption from Mexico.

## **PHILIPPINES**

### **Specific eligibility criteria and information about children requiring adoptive placements:**

- Adoptive parents need to be at least 27 years of age.
- No formal upper age limit, but the Intercountry Adoption Board have advised that the maximum age gap between child and parents should be no more than 47 years.
- No specific requirements regarding religion although couples need to be able to demonstrate a commitment to living by Christian principles.
- Jehovah's Witness will generally not be acceptable on "blood transfusion" grounds although consideration may be given to wavering this if couples provide a statement that they would consent to a transfusion.
- Minimum of three years marriage for first marriage, minimum of five years marriage (at time of file going overseas) if one spouse has been married previously.
- The Filipino authorities may not accept some medical conditions.
- Children that may be considered for placement with Queensland couples may range in age from infants to 5 years. In the Philippines, birth mothers are not able to give consent to a child's adoption until the child is at least six months old. Following this there are a number of processes undertaken to ensure that the child is in fact legally available for adoption. The children are therefore at least 12 months and more commonly over two years before a placement may be sought for that child.
- Priority is given to locating a placement for a child first within the child's immediate locality and then broader country region before consideration is given to an overseas placement.
- Children placed for adoption may be surrendered, abandoned or orphaned. Some children requiring placement present with no significant health problems whilst others present with mild medical conditions, institutionalised behaviours or poor social backgrounds. It is important that all couples consider the possible risks in adopting a child from an overseas country.
- The Philippines also have a special needs program for children with more significant intellectual and/or physical disabilities or medical conditions however some of these children may not meet the Australian Immigration requirements.

NB: In 1999 Filipino authorities passed a law prohibiting the compulsory HIV testing. This led to the temporary suspension of the program as this law is contrary to immigration testing requirements for entry into Australia. Whilst it appears that this issue has now been resolved in that all children placed for overseas adoption will undergo HIV testing, interested couples need to be aware that this "could be" a potential issue in future adoptions. Specific discussion of the HIV testing issue is to be included in the assessment report sent for each applicant.

- Recent information received from other Australian Adoption Authorities suggests that waiting time may be approximately eight to eighteen months. Waiting time however is also dependent on the children requiring adoptive placements the couple have been approved for and the couple's capacity / preparedness for placement of a child with some special needs such as developmental delays. Couples who wish to be considered for a child with no apparent health problems may wait longer.
- Criteria for prospective adoptive parents may be more flexible in some instances.

**Costs:**

Approximately A\$10, 000 plus including travel and accommodation.

## **SOUTH KOREA**

### **Specific eligibility criteria and information about children requiring adoptive placements:**

- Age: - Strong guidelines on couples' ages became law in 1996 in Korea. Each person should be no more than 44 years of age when their file is sent to Korea.
- Korea has maximum permissible weight for couples. Eastern Social Welfare Society (ESWS) has an "Allowance of Weights for Men & Women (According to Heights)" and have stated that couples who are 30% overweight are not acceptable.
- ESWS will not accept couples with particular medical conditions such as Systemic Lupus Erythematosus, Hepatitis B Carriers, significant mental health issues etc. Other medical conditions may also not be acceptable. If couples are unsure of a particular medical condition, the Intercountry Adoption Unit can clarify directly with Korea whether that medical condition is acceptable or not.
- Couples should have a minimum of 9 -10 years of formal schooling.
- Couples need to be married for three years before their files will be accepted in Korea.
- Persons of the Jehovah Witness faith may be acceptable as couples for Korea as long as they are prepared to provide an affidavit stating that if required they will undertake to give consent to blood transfusions for their adopted child. Korea now accepts couples of the Latter Day Saints Faith (Mormon).
- Children adopted from Korea are usually approximately 2 to 4 months old at the time of a placement decision being made.
- Older children may require adoptive placements from Korea but it is not common.
- ESWS has consistently indicated a preference for couples not to specify the gender of the child. Therefore couples wanting to consider this program need to feel comfortable with accepting a child of either gender. If couples clearly prefer a female child, it is wise to reconsider whether Korea is an appropriate choice. More boys than girls are placed with overseas couples as local couples in Korea usually seek to adopt female children. The placement of female children is less common and they are likely to have some health issues e.g. affects of drinking alcohol and/or smoking cigarettes during pregnancy etc.

### **Costs:**

Approximately \$A20,000 to \$A23,000, including travel expenses, accommodation, etc.

## **SRI LANKA**

Only couples with Sri Lankan heritage or strong connection to Sri Lanka may apply to this program at this time. Due to ongoing civil unrest in Sri Lanka, this program has been relatively inactive for some time with the last placement being in November 1998. Couples may consider this program, however waiting periods are unknown, as there are a large number of files awaiting consideration for a possible placement worldwide.

### **Specific eligibility criteria and information about children requiring adoptive placements:**

- Couples must be married for at least 4 years
- Couples must be infertile
- Preference goes to childless couples
- Both prospective adoptive parents under 50 years of age
- Couples have to be financially secure.

In the past, couples have been required to travel very soon after a placement decision is made and court processes are undertaken in Sri Lanka. Parents undertake to provide post placements reports for several years after finalisation of the order and must establish an allowance for child until the age of 18 years.

If you have a particular interest in adoption from Sri Lanka, the Intercountry Adoption Unit's staff can make an enquiry with the Sri Lankan authorities on your behalf and advise of the likelihood of being successfully considered through this program. Recent communication from Sri Lankan authorities advised that waiting time would be considerable.



## **TAIWAN**

### **Specific eligibility criteria**

- Practising Christian couples only
- Couples must be married for at least 5 years (longer if married previously)
- Couples should be under the age of 45 when accepted
- Persons wishing to adopt from Taiwan may be childless or have one biological or adopted child to be considered for a baby from the Unwed Mother's Project. This prerequisite may not apply to couples wishing to adopt a special needs child
- Couples need to be infertile or have secondary infertility.

Christian Salvation Service (CSS) has advised that only files that meet CSS criteria should be sent to Taiwan.

Note: An important feature of this program is that the views of the birth parents are taken into consideration in the identification of the adoptive family. The biological mother therefore may view couple's file as a part of the placement decision making process.

### **Children requiring adoptive placements**

- Babies, generally up to 12 months old
- Taiwan also has a Special Needs infants/children program. For example, children with an intellectual or physical disability or who have some special condition such as haemophilia, cleft palate, etc. These children would need to meet immigration health requirements before entry to Australia.
- Children requiring adoptive families are usually placed for adoption due to the social circumstances of young unmarried birth mothers (eg. social beliefs surrounding children born out of wedlock).
- Adoptive parents often have the opportunity to meet the birth parent prior to the child being placed in their custody. This is often reported as a positive and beneficial opportunity for all parties.

### **Waiting period:**

The waiting time for placement is approximately 12 months. Only childless couples or couples with one child (either adopted or biological) can be considered for this program.

### **Costs:**

The standard CSS fee is US\$10,000 (the Special Needs Adoption Fee is approximately US\$6,000) which includes medical, legal, nursery and administrative costs. Queensland couples are required to travel to Taiwan to take custody of their child therefore the total cost will be US\$10,000 plus the costs of airfares and accommodation. Additional costs for preparation of the file in Queensland also apply.

## **THAILAND**

Quota established by Thai authorities whereby 6 files can be forwarded from Queensland per year. No quota exists for Thailand's special needs program.

### **Specific Eligibility Criteria**

- Couples are to be at least 25 years of age. No formal upper age limit although couples who are in their mid to late 40's may experience more difficulty in being successfully considered for a possible placement. Other factors such as health will be considered.
- Couples who have more than one natural or adopted child can be considered for a possible placement from Thailand, however preference will usually be given to childless and infertile couples. Other factors will be considered for couples with children such as age, health etc.

### **Information about children requiring adoptive placements**

- Children may be abandoned or a birth parent may give consent to a child's adoption. The children are usually living in orphanages / institutions.
- Usually the children are aged between 2 and 5 years, and mainly boys.
- Files can be sent for children aged between one to five years. Couples who are younger (i.e. under 40 years) can be considered for a younger or older child whilst couples over 40 years will most likely be considered for an older child (i.e. 3 - 5 years).
- Couples may specify the gender of the child, but couples may wait longer if they wish to be considered for a female child.

### **Waiting Period:**

The waiting period is lengthy and couples usually may wait longer to be placed with a younger or female child.

### **Costs:**

Approximately \$A10, 000 includes costs of travel, accommodation, fees, notarisaton, etc.

### ***Issues for consideration and frequently asked questions***

#### ***Considering your motivation to adopt.***

The decision to consider adoption is a very significant step in your lives. Adopting a child may be the most important decision you will ever make. It is a decision that will dramatically change your lives.

There are many reasons that couples consider adoption. However, in making this decision, it is important to consider your motivation and to recognize that there may be some issues and feelings which you will need to explore about your wish to adopt a child.

Adoption is not “the solution” in the following situations:

- To improve an unhappy marital relationship.

Children add stress to marriages - they do not improve an unhappy marital situation.

- To please your partner.

Both need to agree on the decision to adopt. Children sense acceptance and/or rejection and react accordingly.

- To replace a lost child.

Children need to be wanted for themselves. They cannot replace another child, or ease the pain of the loss of a child.

- To be a companion for an ‘only’ child.

Children are not always ‘companionable’ and your only child could be disappointed, while the adopted child will realize he/she has not measured up to what you expected of him/her.

- To ease the pain of not being able to have your own child.

You need to have adjusted to your infertility in order to be comfortable in parenting a child who is not biologically your own.

- Family and social pressures.

Children should be wanted for themselves. You will have all the responsibility of parenthood, so you must make your own decision.

You have a choice. Exercise that choice with knowledge and careful thought and decide what seems right for you. There are many different reasons why couples consider adoption and why adoption may be appropriate for particular couples.

## ***Differences between biological and adoptive parenting.***

Many people consider that adoptive parenting is very much like biological parenting. In many respects, it is similar however, there are also many significant differences. The most significant difference is that there are three parties involved in each adoption – the birth parent or parents, the adoptive parents and the child with the Department overseeing legislative responsibilities. Ideally, adoption offers birth parents the opportunity to plan for the care of their child when his/her need for permanent family cannot be met in any other way. Adoption offers the adoptive parents the satisfactions of parenting a child. The child should hopefully be assured a permanent legal family with parents able to provide appropriate care while recognising his/her origins. The rights of each party must be protected by good adoption practice as well as through legal safeguards. One thing that makes adoptive families unique is the role of the child's biological heritage – the fact that two families are forever linked through the child.

Another significant difference is that adoption is created through loss; without loss there would be no adoption. All birth parents, adoptive parents, and adopted persons share in having experienced at least one major, life-altering loss before becoming involved in adoption. All three parties in the adoption process experience grief and loss associated with the loss of family, child, dreams and unmet expectations. It is these losses and the way they are accepted and, hopefully, resolved which set the tone for the lifelong process of adoption. Please refer to the suggested reading list for further information on Grief and Loss in adoption.

Other key differences include:

- No physical changes for parents associated with pregnancy
- Not having the child from birth
- Limited information on child's background, lack of medical/genetic information
- If adopting because of infertility, have to face loss of inability to have a biological child
- Have to deal with the intrusive nature of the adoption process
- Lack of genetic link with the child
- Attaching to a child born to someone else and making the child psychologically their own, yet accepting the child's social and genetic history
- Explaining adoption to the child at an early age and sharing with the child information about his/ her genetic/cultural background
- Assisting the child with the life long process of adjustment to his/her adoptive experience and status
- Permitting and assisting the child seek out his/her biological family
- Not being able to tell the child how s/he will look like, how tall s/he be, what talents to encourage based on genetics

- Parenting a child who may have siblings living with the birth family or other adoptive family
- Not knowing why the child behaves in a certain way.

### ***What is intercountry / cross cultural adoption?***

It is important to consider from the start that to adopt a child who has ethnic origins different from your own is quite different from adopting a locally born child. It is also important that you consider, after carefully and thoughtfully reading the material in this *Information Kit*, whether you genuinely feel you would be able to meet the substantial responsibility involved in adopting a child from an overseas country. It is suggested that you discuss your adoption proposal with members of your family with whom you have close ties and regular contact, and with your closest friends and associates, to gauge their views.

While you will be invited to nominate three countries of interest on your Expression of Interest form it is possible to be approved as prospective adoptive parents for only one overseas country. Information about specific overseas adoption programs and eligibility criteria will be discussed at the Education Programs about which you will be advised in due course.

***It is important to think in depth about the problems that can arise in cross-cultural adoption and consider the questions that follow:***

- a) How would you cope if and when prejudice is expressed towards your child, e.g.
  - when the child goes to school and other children make hurtful remarks? School can be a devastating experience for a child who is different. The child cannot live out his or her life in the wonderful cocoon of a home environment.
  - when the child is more mature and experiences difficulty in social situations?
- b) How would you handle the patronising and condescending attitude of members of the community when they make such statements as -"How good and kind you are to adopt such a child!" or "How lucky the child is to have been rescued from poverty."
- c) Would you be able to unconditionally accept a child who does not meet all your expectations, e.g., scholastically?
- d) What would you do if your adopted child experienced an identity crisis during adolescence, i.e., if the child had feelings of being different and of being isolated from the rest of the family?
- e) Could you ever envisage your strong, warm, maternal or paternal feelings towards the child dwindling once the 'cute' childish features disappear or the child begins to assert his or her personality during adolescence?
- f) What would you do if the child exhibited behavioural problems such as rejection of your love, constant crying, temper tantrums, bed wetting, destructiveness or complete withdrawal, due to former emotional deprivation?

- g) Would you be able to afford medical attention if the child placed with you has suffered from malnutrition or other conditions common in under-developed countries?
- h) How would you go about raising the child placed with you? What information would you give the child about his or /her background, culture and country of origin? How and when would you impart this knowledge?

***It is important to examine your feelings about ethnic background and culture***

Do you get on better with some ethnic groups than others? What do you know about other cultures? If you find yourself thinking 'not too dark', 'mostly European', 'the lighter the better', then it might be helpful to ask yourself, 'Do I really mean the white-er the better?'

Everyone has prejudices and it is important that couples who are considering cross cultural adoption, be honest with themselves so they can deal with their prejudices. Unless you can accept a child's ethnic and cultural background you should reassess your decision to adopt a child from overseas.

Do you think it is a good or bad idea:

- to have books at home with stories and illustrations about the child's cultural and social origins
- to take the child to museums, art exhibitions and concerts to see and hear cultural events which reflect the child's cultural heritage
- for the family to discuss adoption and ethnic background following an item on such subjects on television or radio
- to introduce such topics yourselves rather than wait for the child to ask questions about these?

The child may feel torn and confused if the parents fundamentally disagree on such issues so it is important that they be discussed before you proceed with adoption.

Is it possible that you could identify with your adopted child so that when you hear a racist remark you would feel as if the speaker were talking about you? If you do, how would you respond?

***Have you considered the effect of the proposed adoption on your family?***

A child with obviously different physical characteristics from the parents makes the whole family different from other families in the community. People notice and show interest. How would you feel if people in the community seeing mother and adopted child together stare at you as they walk by and make possibly quite erroneous assumptions about you and your child?

Will it concern you that some people will assume your husband/wife is of a different ethnic background from you? It is important to explore your own feelings and whether other people's views matter to you or not. It is important for you to know how to appropriately respond to these before proceeding with the adoption of a child from a different ethnic background from your own.

Would you feel oversensitive if your family was subjected to name calling, direct or indirect criticism, negative reactions from neighbours or casual acquaintances? How will you react if your child is hurt and upset by name calling?

If your adopted child exhibits a very different temperament from other family members would you find this a frustrating or aggravating experience? Would it make you feel uneasy or would you find it a challenge? If any close family members, e.g., grandparents, repeatedly rejected your child and it was necessary for you to stop seeing them, how would this affect you and any other children in the family?

How would you feel if your adopted child rejected you and remained detached from you for months or years after being placed with you as their adoptive family? Some children experience attachment difficulties that may develop further into an "Attachment Disorder." If you would like to read further about attachment issues in adoption please refer to the suggested reading list at the end of this kit.

***Try to appreciate the physical, cultural and emotional adjustments a child must make when placed with an adoptive family from Australia.***

Generally, the younger the child the less adjustments they will need to make. Your family must be able to see through the child's eyes and prepare yourselves to understand the new arrival's behaviour and ease their transition from old to new. The children already in your family may lose their early spontaneous enjoyment of the newcomer, and become jealous or upset that you are giving time and affection to him or her. You may yourself feel let down from your initial feelings of joy and excitement if this 'perfect child' does not immediately respond to your love.

Distressed infants may cry and wail for days and even weeks and may require a great deal of rocking or other forms of attention. Toddlers may regress to an earlier stage of development, may physically reject affection and even kick and scream. While this behaviour is hard on you, it is much harder on the child, who is probably feeling very confused and anxious.

An older child may feel homesick for their country of origin and the people they knew there and may demonstrate this through crying, being frightened, quiet and unresponsive or even suspicious. Deliberate, difficult and troublesome behaviour may be an indication of their natural anger at being displaced from their familiar surroundings. Other symptoms of this may be bed-wetting, refusal to eat and sleep.

It is important to understand that the child may be bewildered by what is happening to him or her and may not be nearly as happy to be with you as you are to have a child. Try to imagine what it must be like to be little and to be shifted about with no control over what happens to you and you will realise that it can take a long time to replace fears with trust in people.

***Think about the responsibility involved in the raising of a child with different racial characteristics in a predominantly Caucasian community***

Some children adopted from overseas will come to adoptive parents who reflect the wide racial and cultural diversity of Australia's population, and will share the same ethnic origins as their adoptive parents. This child may be assisted to make the transition to life in Australia, while still being exposed frequently to similar cultural experiences as those of his/her culture of origin.

However, a child with different racial characteristics raised in a Caucasian family is not, cannot be and must not be raised as a Caucasian child in a brown skin because the rest of the community in which the child lives does not see him or her in this way. They see the child as Indian, Korean, Sri Lankan, or of some other nationality. Children with different ethnic

backgrounds are likely to experience prejudice at some stage of their lives in Australia. If they are living with parents of a similar ethnic background they can turn to them for comfort and support as the parents have learned through experience how to cope.

Parents of different ethnic and cultural backgrounds do not have the personal experience on which to draw. They are not the recipients of folklore and song handed down through generations, but they can educate themselves to this by reading, discussion and contact with a range of ethnic groups/associations. When a child is adopted by a family of different ethnic background the normal requirements of love, understanding and concern are vital aspects of the child's life, but they are not enough.

***A few questions to consider when thinking about Intercountry adoption and your family***

The question of whether or not intercountry adoption will be a positive experience for the child placed in your family, and indeed for your family, is obviously a very complex matter. This question is preceded by such issues as why you wanted to have children initially, why you have decided to consider adoption, what adoption really means to you and the child/ren involved, and what your true feelings are about ethnicity, culture and the natural differences about each individual.

***Some of the areas which we hope you and your family and friends will consider prior to taking your inquiry any further are:***

- Why are you considering adopting a child from an overseas country?
- Why do you want to add another child to your family?
- How do you think an adopted child might feel to be part of a family where all other children are biological?
- How will you help the child to appreciate his or her own culture while growing up in Australia and as an Australian?
- What are your expectations for that child? Do you hope that the child will return to visit his or her own country of origin?
- What are your beliefs about marriage between couples of different ethnic backgrounds?
- How will you deal with prejudices in the community, your family or yourself? How much of a working knowledge, understanding and appreciation do you have about the country from which the child would come?
- How many of your friends and acquaintances are of a different ethnic culture from your own?
- How do you cope with unexpected difficulties and with attention seeking behaviours?
- How do you cope with differences in people? How will you cope if as a teenager your child has difficulty finding friends?
- What are your views about ethnic differences? What beliefs do you have about characteristics that are inherited, and which are learnt?



There are no right or wrong answers to these questions. Each individual must make up his or her own mind about these issues. It is important that you are honest about how these issues will affect you. The interests of the child requiring overseas adoption placements in this country will be paramount in our work to find a family for him or her. The child's wellbeing must also be your primary consideration. How effectively you are able to meet a child's needs in such complex circumstances will be the essential element in this adoption process.

***Important issues for adopted children.***

Adopted children have lost their biological ties and cultural heritage and have the right to grieve this loss.

Adopted children have the right to be told about their adoption in a normal family pattern of openness and respect and at age appropriate levels.

Adopted children need their parents to feel a sense of security in their parenting role in order to be well adjusted.

Adopted children have the right to know about their origins and need to be able to talk to their adoptive parents about any questions they have.

Adopted children have the right to hear their adoptive parents talk positively about the kinds of people that their birth parents might have been.

Adopted children have the right to a family who are able to successfully meet their physical and emotional needs.

Adopted children have the right to know their ethnicity and to have pride in their ethnic and cultural heritage.

Adopted children have a right to information about their birth parents that can lawfully be given to them under the legislative provisions of this state.

***Important issues for birth parents.***

Birth parent(s) experience grief over their decision to place their child with an adoptive family and have the right to grieve this loss.

Birth parents need to feel their children are well cared for physically, emotionally and spiritually by their adoptive family.

Birth parents have the right to expect the adoptive parents to inform their children of their adoptive status and origins.

Birth parents need to feel they will be presented in a positive light to their children.

Birth parents have a right to information about their child that can lawfully be given to them under the legislative provisions of this state.

***Important issues for adoptive parents.***

Adoptive parents have lost the ability to create a biological child and have the right to grieve this loss.

Adoptive parents must feel they are the legally sanctioned parents of the child and treat him or her accordingly. The closeness that comes from the parents being able to feel secure in their legal status as parents, in turn, is essential for the child's adjustment. The child's sense of belonging with his or her adoptive parents, with the same status as a birth child, is enhanced by the feeling of security that his or her adoptive parents have in their role.

Adoptive parents need to acknowledge and accept the differences between birth and adoptive parenting.

Adoptive parents need to feel they can expect support from their friends, relatives, parent support groups, and the Intercountry Adoption Unit if they are experiencing difficulty in their parenting role.

Adoptive parents need to be given as much information as the Intercountry Adoption Unit can provide on their adoptive child's background so they can more fully understand their child, and relate this information to him or her.

Adoptive parents need to acknowledge that they are one of two sets of parents that their child has. Adoptive parents need to consider the feelings and wishes of their adopted child who may choose to seek information about his or her birth parents, and ethnic and cultural origins.

Adoptive parents need to consider the child's wishes to have contact with his or her birth parents and birth family at some time in his or her life.

## ***Frequently asked questions***

**Q. Do you have to be wealthy to adopt?**

A. No. Couples need to demonstrate that they are able to financially support a child to independence. However, there are costs associated with intercountry adoption that are associated with fees paid to other countries, and with the travel to those countries to bring the child back to Australia, which make intercountry adoption very costly. These costs vary between \$10,000.00 and \$30,000.00.

**Q. Are there any fees involved in Intercountry adoption?**

A. Yes. An amount of \$53.00 is due at time of lodgement of your Expression of Interest Form. A further amount of \$ 2000.00 is due prior to the commencement of your Adoption Assessment. Couples must also pay fees required by overseas adoption authorities and for the costs associated with travelling to, and staying in, the relevant overseas country to take custody of a child. These costs may vary between \$7,000 and \$30,000 and are subject to change. In most instances fees paid to overseas adoption authorities cannot be refunded if couples withdraw.

**Q. Why are fees necessary?**

A. Expression of Interest fees and Adoption Assessment fees are calculated to partially cover administrative and assessment costs. The fees charged in Queensland are low in comparison to other states in Australia, and do not cover the costs of the adoption process within the Department of Child Safety.

**Q. Can the Department of Child Safety recommend that some prospective adoptive parents reduce their body weight?**

A. Yes. In accordance with the *Adoption of Children Regulation 1999*, people seeking to be approved as prospective adoptive parents must meet certain health eligibility criteria. The Department's consultant Medical Officer may recommend that certain prospective adoptive parents reduce their body weight in order to meet health eligibility requirements. This is not based on an arbitrary prejudice against obese people, but rather recognition that certain medical conditions (eg. high blood pressure, high blood sugar levels) combined with high body weight, may reduce a person's life expectancy. This would not be perceived as being in the best interests of the child. While overall health is the primary issue, individuals whose Body Mass Index (BMI) is over 31 will be asked to undertake further medical assessment and/or reduce their weight.

**Q. I am a person who smokes cigarettes - can I still lodge an Expression of Interest?**

A. The effects of smoking and passive smoking are well documented. Smoking reduces a person's life expectancy and the effects of passive smoking can directly impact on the health and wellbeing of a child. This would not be perceived as being in the best interests of a child requiring an adoptive family. It is possible that, when reviewing a person's health eligibility, the Department of Child Safety's consulting Medical Officer may recommend that prospective adoptive parents cease smoking.

**Q. Can you register an Expression of Interest in both Intercountry Adoption and General Adoption?**

- A. Yes. Each program will require a separate Expression of Interest and a separate lodgement fee. At the time of assessment you will be required to postpone your other Expression of Interest. Should you be placed with a child from overseas you then need to decide whether you wish to proceed with general adoption or withdraw your Expression of Interest.

Couples are strongly urged to focus only on one Expression of Interest because of the significant differences in the various forms of adoption. It is not a case of 'how to get a baby quicker', but rather your being able to identify whether you have the capacity to meet the needs of children requiring placements from overseas or Queensland.

**Q. If we are currently on the Assessment Register can we still lodge an Expression of Interest?**

- A. Yes, however if you are placed with a child you may be required to postpone your Expression of Interest until the child has been in your care for at least twelve months allowing for a gap of at least two years between your child and the prospective adopted child.

**Q. If we have recently been placed with a child from Queensland or an overseas country can we still lodge an Expression of Interest?**

- A. Yes, however you may be asked to postpone your Expression of Interest until the child has been in your care for at least twelve months allowing for a gap of at least two years between your child and the prospective adopted child.

**Q. Can we still continue fertility treatments such as I.V.F. after registering an Expression of Interest for adoption?**

- A. Yes. However you will not be able to proceed to assessment until you have ceased your IVF treatment. You should, therefore, advise the Department of Child Safety in writing and request that your Adoption Assessment is postponed until after you have completed your fertility treatment. This is because we need to know that couples are truly committed to and comfortable with the idea of adopting. The emotional demands of fertility treatments combined with the demands of adoption make it difficult and confusing for couples who are still committed to trying to give birth to a baby.

**Q. How long can we postpone our assessment once our names have been entered onto the Expression of Interest Register for intercountry adoption?**

- A. At this time you are able to postpone your assessment for a period of up to two years, depending on the individual circumstances.

**Q. What happens if I become pregnant?**

A. If couples are planning a pregnancy or uncertain about proceeding with adoption and postponing or discontinuing treatment for infertility, they may:

- postpone their assessment, for a maximum period of two years, until after the delivery of the child or while they pursue treatment for infertility or
- They may choose to remove their names from the Expression of Interest Register.

Once your file is forwarded to the overseas country the overseas agency understands your readiness for consideration of a child. It is an expectation (especially if you have unexplained infertility) that you will take reasonable contraceptive precautions and continue to maintain this until eighteen months after a child is placed in your care.

If a female prospective adoptive parent becomes pregnant after the prospective adoptive parent couple's file is forwarded to an overseas country, the couples are required to advise the Department of the pregnancy.

The placement of a child with a couple cannot proceed if the female prospective adoptive parent is pregnant at the time an overseas adoption authority makes a placement decision in favour of the couple. At this time the couple may:

- postpone their expression of interest until after the delivery of the child or for a maximum period of two years or
- they may choose to withdraw their expression of interest.

**Q. When will we be invited to be assessed?**

A. Couples with their names on the Expression of Interest Register and who have maintained their eligibility will be invited to be assessed as prospective adoptive parents. Couples who meet the eligibility criteria of the relevant overseas country will be assessed in the following order:

- Couples where one or both of them are from the same cultural background as the child they are seeking to adopt.
- Couples who have expressed a willingness to be assessed for a child with specific needs (e.g. a child with a medical condition, and/or disability or potential to develop a medical condition - subject to Commonwealth Immigration health requirements or complex social background.
- Couples who have already adopted a child from the country from which they are seeking to adopt another child.
- Couples who have experience caring for or working with children.
- Other couples who have expressed interest in being assessed as prospective adoptive parents.

People whose names are entered in the Expression of Interest Register who seek to be assessed as prospective adoptive parents for a child from a specific country, who do not meet the criteria specified by the relevant overseas authority:

- Will not be invited to be assessed
- Must be advised of the criteria with which they do not comply

In addition, the Manager, Intercountry Adoption Unit must seek clarification from the relevant overseas authority if necessary.

**Q. Is there any travelling involved?**

A. Couples may be asked to travel to undertake some of their Adoption Assessment interviews, particularly if they are not living in a major city or regional centre. Couples who are adopting from overseas are required to travel to the country of the child's residence to take custody of and to spend time with the child, learn about the child's original culture and bring the child back to Australia.

**Q. Are there any Support Groups for couples considering Intercountry Adoption?**

A. Yes. There are several Adoptive Families Support Groups in Queensland. Adoptive Families Support Groups can provide a valuable support and information service to applicants both before and after placement. Couples can experience significant levels of anxiety and frustration during the adoption process, especially if they do not have an extended family or friendship network nearby. Couples considering joining support groups can choose to simply receive a group's newsletters and use their library resource materials or can become active members by attending their meetings and social functions. Contact details for these groups are included in this Information Kit.

Support group members will be participating in Education Programs undertaken by the Intercountry Adoption Unit, and will be available to provide important information and answer questions for prospective adoption applicants.

**Q. How is the most suitable adoptive placement for a child identified by the responsible overseas authority?**

A. Overseas adoption agencies use the information in the assessment report to determine the best possible placement for a child and which prospective adoptive parents are best able to meet the child's individual needs. In some overseas countries, birth mothers/parents choose the adoptive family for their child. As a result, birth mothers would receive varying degrees of detail about prospective adoptive parents, depending on the country and the placement process adopted by the country concerned.

Children requiring adoption placements from overseas have a broad range of needs depending on their age, medical and social backgrounds. Overseas adoption authorities are committed to optimising the potential for successful adoption outcomes by limiting risk factors in placements and ensuring that the needs of the child to be adopted are paramount. Hence a thorough assessment which includes evidence of specific competencies with respect to the capacities of prospective adoptive parents and their preparedness for post adoption tasks is an essential aspect of identifying the most suitable placement.

It is important to note that overseas adoption authorities are not bound to make placements in accordance with the chronological order in which prospective adoptive parents' files have been forwarded overseas. Hence, it is not uncommon for placements to be made without any reference to chronological order of files received from Queensland – the most suitable placement is recommended irrespective of when a file has been received.

The files of Queensland families are also considered along with those from other countries. This means that in some programs placements may not happen in chronological order and there have been instances where some prospective adoptive parents with files overseas have not been placed with a child.

The final decision relating to placements is made by the overseas country, and no guarantee can be given that a child will be placed with prospective adoptive parents whose assessment and other documentation is being considered by the overseas agency.

**Q What type of information about the child is given to the adoptive parents?**

A. Information relating to the child contained in documentation received from the overseas agency is routinely provided to the prospective adoptive parents during the placement discussion. This information is usually accompanied by photographs of the child. This information may include:

- The details of the child, such as weight, appearance, health, milestones and any known history of the child and birth mother/parents
- Some countries are able to provide only basic information such as name, and approximate age and date of birth.

Prospective adoptive parents considering accepting the placement of a child must be conscious of the fact that there are risk factors associated with the lack of information about health and genetic issues.

**Q. When and how do you tell the child that he or she is adopted?**

A. It is recommended that the issue of adoption be open and discussed at a very early age with the child. The child's adoption should be very much part of the family's every day life.

The Intercountry Adoption Unit strongly encourages adoptive parents to begin the task of discussing the adoption as early as possible and certainly before school entry. The *Life Story Book* prepared by prospective adoptive parents as part of their Adoption Assessment assists in this process. As relatives, friends and acquaintances are usually aware of the adoption, your child will be exposed to the risk of having someone else tell them that they are adopted which can be emotionally harmful to your child. Children in the age group 4-5 years accept information readily and without too much emotional stress.

Information about a child's adoption should be discussed at different stages of a child's life and at age appropriate levels to ensure that the child's knowledge is increased and to provide an opportunity for him or her to discuss adoption on a more complex level. The Intercountry Adoption Unit has articles on this subject, which are available to

couples who have registered an Expression of Interest. Most books about adoption also contain sections on telling a child about adoption. The Adoptive Families Support Groups provide assistance, support, advice and resource materials on how to discuss adoption with your child.

**Q. Will the present adoption legislation change?**

A. Adoption legislation in Queensland is currently under review. It is possible that some key aspects of the legislation may change however the timeframe for the development of the new legislation is currently under consideration and will be made publicly available once it is confirmed. Information on the Adoption Legislative Review is available on the Department's website [www.childsafety@qld.gov.au](http://www.childsafety@qld.gov.au)

**Q. How can we prepare ourselves?**

A. Stay healthy, research adoption issues, learn about the country from which you hope to be placed with a child and improve your understanding of children, early childhood development and parenting.



***Suggested reading and appendix***

**SUGGESTED READING**

Highly recommended:

Gregory C. Keck, Regina M. Kupecky, Lynda Gianforte Mansfield, Gregory Keck. 2002, **Parenting the Hurt Child: Helping Adoptive Families Heal & Grow** (Pinon Press)

Sherrie Eldridge 1999 **Twenty Things Adopted Kids Wish Their Adoptive Parents Knew** (A Dell Trade Paperback)

Betsy Keefer, Jayne E. Schooler, Jack G. Kammer 2000 **Telling the Truth to Your Adopted or Foster Child: Making Sense of the Past** (Bergin & Garvey)

Gregory C. Keck, Regina M. Kupecky 1998 **Adopting the Hurt Child; Hope for Families with Special-Needs Kids: Hope for Families with Special-Needs Kids** (Pinon Press)

Sarah Armstrong, Petrina Slaytor (editors) 2001 **The Colour of Difference** (Federation Press)

Other reading:

Brodzinsky, David M., Schechter, Marshall D., Marantz Henig, Robin 1993, **Being Adopted, the Lifelong Search for Self**, Anchor Books A Division of Random House, Inc., USA.

Brodzinsky, David M., Schechter, Marshall D. 1990, **The Psychology of Adoption**, Oxford University Press, USA.

Chennells, Prue and Morrison, Marjorie 1995, **Talking about Adoption to your Adopted Child**, British Agencies for Fostering and Adoption, UK.

Dorow, Sarah 1999, **I Wish for you a Beautiful Life (letters from the Korean Birth Mothers of Ae Ran Won to their Children)**, Yeong and Yeong Book Company, USA.

Howe, David 1998, **Patterns of Adoption**, Blackwell Science Ltd, UK.

James, Ann 1998, ***Teddy Bear in the Corner***, Post Adoption Resource Centre NSW, Australia.

Johnston, Patricia Irwin 1992, ***Adopting After Infertility***, Perspectives Press, USA.

Kaminker, Laura 1999, ***Everything You Need to Know About Being Adopted***, The Rosen Publishing Group, Inc, USA.

Marburg, Marlene 1998, ***Real Parents, Confronting Adoption Issues***, Windsor Scroll Publishing, Australia.

Ruskai Melina, Lois 1998, ***Raising Adopted Children, Practical, Reassuring Advice for Every Adoptive Parent***, Harper Collins Publishers, Inc., USA. Riley, John & Sons, Ltd 1999, ***Adoption Now. Messages from Research***, Department of Health, UK.

## APPENDIX - Requirements of overseas country Central Authorities for Inter-country Adoption

Country	Age criteria	Special requirements
China	<ul style="list-style-type: none"> <li>• Minimum 30 years old</li> <li>• Couples less than 45 can be considered for a child up to 2 years</li> <li>• Couples 45 -49 years can be considered for a child up to 3 years</li> <li>• Couples 50 -55 can be considered for a child over 3 years</li> </ul>	<ul style="list-style-type: none"> <li>• Where the older applicant is female, the assessment report will need to address carefully the length and stability of the relationship as the marriage of an older woman and a younger man is not considered culturally acceptable in China</li> <li>• No more than four existing children in the family (either biological or adopted)</li> <li>• Children placed through this program are almost exclusively female</li> </ul>
Colombia	<ul style="list-style-type: none"> <li>• 25 – 40 years</li> <li>• Couples who are older may be considered under some circumstances</li> </ul>	<ul style="list-style-type: none"> <li>• Minimum 5 years of marriage (3 years may be acceptable with proof of long-standing relationship)</li> <li>• Couples must be infertile/ unable to have more children biologically</li> <li>• No more than one biological child in the family. Maximum of 2 other children but applications for adoptive placement of a third child are not acceptable.</li> <li>• Preference may be given to adopters who have already adopted a child from Colombia</li> <li>• Gender cannot be nominated for the first time adopters</li> </ul>
Ethiopia	<p>At time of placement with a child:</p> <ul style="list-style-type: none"> <li>• Couples under 41 years of age can be considered for a child under the age of 2 years</li> <li>• Couples over the age of 41 can be considered for a child between 2 and 5 years of age</li> </ul>	<ul style="list-style-type: none"> <li>• Couples who have biological children and have also adopted from two countries other than Ethiopia may not be able to apply</li> <li>• Couples need to be able to name their religion and be considered to be living by Christian principles (a letter from a pastor/priest is required as part of the file)</li> <li>• Only mainstream religion is acceptable by the Ethiopian Authorities</li> </ul>
Hong Kong	<ul style="list-style-type: none"> <li>• 25 -45 years</li> <li>• Consideration will be given to a couple over 45 who is willing to consider placement of a child with special needs</li> </ul>	<ul style="list-style-type: none"> <li>• Must be of sound health both physically and mentally</li> <li>• Married for at least 3 years and 5 years if this is a second marriage for either spouse</li> <li>• Having fully completed 11 years of formal education</li> <li>• Couples with two or more divorces are generally not considered</li> </ul>
Fiji	<ul style="list-style-type: none"> <li>• No upper age limit -dependant on the needs of the individual child .</li> </ul>	<ul style="list-style-type: none"> <li>• The program is very small with very long waiting times</li> </ul>

India	<ul style="list-style-type: none"> <li>• 25 – 40 years dependant on the agency and individual circumstances of the couple</li> </ul>	<ul style="list-style-type: none"> <li>• Couples of Indian descent are afforded the highest priority</li> <li>• Usually a minimum 5 years of marriage. Persons who have been previously married may not be accepted by some agencies</li> <li>• Waiting times may vary and extend to several years</li> </ul>
Lithuania	<ul style="list-style-type: none"> <li>• Under 47 years when the applicants file is sent to Lithuania</li> <li>• The Lithuanian Court requires that couples are less than 50 years of age when an adoption order is made</li> </ul>	<ul style="list-style-type: none"> <li>• There is no limit on the number of biological or adopted children already in the family. However, families must be able to provide evidence that their financial situation will allow them to care for another child</li> <li>• Only married couples accepted but no specific length of marriage specified</li> </ul>
Mexico	<ul style="list-style-type: none"> <li>• No specific age criteria</li> </ul>	<ul style="list-style-type: none"> <li>• Only children over the age of 3 years placed through this program</li> <li>• Waiting period is approximately 3 years once the file is in Mexico</li> <li>• Couples required to travel to Mexico shortly after allocation of a child, both partners are required to stay in Mexico for three weeks during which time they can get to know the child. It is during this time that the Mexican authorities assess the suitability of the couple's ability to care for the nominated child. The couple then meets with the agency to obtain approval for the adoption to go ahead. Once the approval is given, one parent must stay in Mexico for 3 months to satisfy legal requirements</li> </ul>
Philippines	<ul style="list-style-type: none"> <li>• At least 27 years with no upper limit providing the age gap between the child and the adoptive parents is no more than 47 years</li> </ul>	<ul style="list-style-type: none"> <li>• Couples need to demonstrate a commitment to living by Christian principles</li> <li>• Minimum of 3 years marriage for first marriage, minimum of 5 years marriage if one spouse has been married previously</li> </ul>
South Korea	<ul style="list-style-type: none"> <li>• Both people <u>must</u> be less than 44 and 3 months when their file is received in Korea</li> </ul>	<ul style="list-style-type: none"> <li>• Persons who are 30% overweight are not acceptable</li> <li>• Certain medical conditions like Systematic Lupus Erthematosus, Hepatitis B carries, cancer less than 5 years before, significant mental health issues are not acceptable</li> <li>• Couples should have a minimum 9-10 years of formal schooling</li> <li>• Minimum of 3 years of marriage</li> <li>• Persons of Jehovah Witness faith may be acceptable as long as they are prepared to provide an affidavit stating that they undertake to give consent to blood transfusions for their adopted child if required.</li> <li>• Couples cannot nominate gender of a child and more boys are allocated to overseas couples in Korea</li> </ul>

Sri Lanka	<ul style="list-style-type: none"> <li>Both applicants must be under 50 years of age</li> </ul>	<ul style="list-style-type: none"> <li>Priority is given to couples of Sri Lankan descent</li> <li>Minimum 4 years of marriage</li> <li>Couples must be infertile</li> <li>Preference given to childless couples</li> <li>Couples have to be financially secure</li> </ul>
Taiwan	<ul style="list-style-type: none"> <li>Both under 45 years</li> </ul>	<ul style="list-style-type: none"> <li>Couples must be practising Christians</li> <li>Minimum 5 years of marriage (longer if married previously)</li> <li>Couples must be infertile or have secondary infertility</li> <li>Maximum 1 child in the family (biological or adopted)</li> </ul>
Thailand	<ul style="list-style-type: none"> <li>25 – mid 40's</li> </ul>	<ul style="list-style-type: none"> <li>Very limited program with only 3 files for be sent from Queensland each year</li> <li>Preference is given to childless and infertile couples</li> <li>Can specify gender of the child but may wait longer for the placement of a female child</li> </ul>