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**SUPPLEMENTARY INFORMATION**

**provided by**

**ATTORNEY-GENERAL'S DEPARTMENT**

**following**

**PRIVATE BRIEFING - 25 MAY 2005**

**to**

**HOUSE OF REPRESENTATIVES STANDING COMMITTEE ON  
FAMILY AND HUMAN SERVICES**

**INQUIRY INTO ADOPTION OF CHILDREN FROM OVERSEAS**

**Received**  
**Committee Secretariat**  
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**SUPPLEMENTARY INFORMATION PROVIDED BY ATTORNEY-GENERAL'S  
DEPARTMENT – FOLLOWING PRIVATE BRIEFING ON 25 MAY 2005**

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**HOUSE OF REPRESENTATIVES STANDING COMMITTEE ON FAMILY AND HUMAN  
SERVICES INQUIRY INTO ADOPTION OF CHILDREN FROM OVERSEAS  
ATTORNEY-GENERAL'S DEPARTMENT**

**The Committee asked the following questions at the Private Briefing on 25 May 2005:**

- 1 FHS6: When did Australia have observer status to The Hague conference?

**The answer to the Committee's question is as follows:**

Australia did not have observer status at the Hague Conference on Private International Law before it became a full member in 1973.

- 2 FHS 9: Could you please provide a copy of the most recent returns (eg, the last three) Australia has made to The Hague in relation to the convention on intercountry adoption?

**The answer to the Committee's question is as follows:**

In addition to the statistics the States and Territories provide to Australian Institute of Health and Welfare (AIHW) on an annual basis, AIHW also collate statistics on intercountry adoptions under the Hague Convention which are then provided to the Permanent Bureau of the Hague Conference on Private International Law.

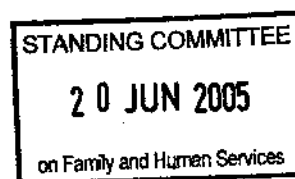
Attached please find the following:

- Counting rules which in addition to the instructions and counting rules contains the tables for completion by each State and Territory (**Attachment A**); and
- Statistical forms circulated for completion to all Contracting States for the consideration of the 2005 Special Commission meeting on intercountry adoption hosted by the Permanent Bureau of the Hague Conference on Private International Law (**Attachment B**).
- the last three returns Australia has made to The Hague in relation to the Convention on intercountry adoption (**Attachment C**)

- 3 FHS 12: Could you please provide a copy of the correspondence with Guatemala in relation to intercountry adoption?

**The answer to the Committee's question is as follows:**

See **Attachment D**.



- 4 FHS 15: "Which states have agreements with which countries? Have they all entered into agreement with those countries?"

**The answer to the Committee's question is as follows:**

Historically, prior to the entry into force of the Hague Convention in 1998, arrangements have varied as to which State has formally signed an adoption agreement with a particular country. Generally it has been understood that while a particular State is signing an adoption agreement the practical effect would be that an agreement would be operational with respect to all States and Territories.

While generally programs have always been established for all Australian States and Territories this has been achieved in different ways. There were delegations sent overseas in 1978 and again in the early 1980s on behalf of the Permanent Heads of the Australian State and Territory Adoption Authorities.

Although the delegation consisted of the State and Territory representatives, the work on the arrangements being proposed was undertaken with assistance from several Commonwealth Departments - Immigration, Foreign Affairs and Trade, and Prime Minister and Cabinet. In this way programs with Thailand, Sri Lanka, Hong Kong, South Korea and Indonesia were established. Later programs with India and the Philippines were established through a similar process.

There are some arrangements that are historical with programs being developed in different ways - for instance Victoria sent some files to Guatemala in the late 1980s and had a very small program with this country until recently.

In 1991 the States and Territories (Ministers) and the Commonwealth agreed to the *Protocols and Procedures for the Development of Programs for Intercountry Adoption with New Countries*. The programs with Ethiopia, Romania and China were established under this protocol on behalf of all States and Territories. Victoria was the lead State for Romania and China and Queensland was the lead State for Ethiopia.

Since 1998, all new programs under the Convention have been established on behalf of the Australian States and Territories - with a lead State.

It should be noted that the success of particular programs in different States and Territories is often due to how applicants and the parent groups promote adoption from that particular country. For example the parent groups in one State may promote different South American countries which will lead to that State having a much stronger program with South America than other States and Territories. India is an example where Victoria has had a very strong program and has developed relationships with a number of small agencies that other States and Territories do not access although all States and Territories can send files to other agencies in India .

- 5 FHS 21: Three states recently visited Mauritius. Could you please provide details about these visits (dates, purpose, outcomes, number in delegation etc)?

**The answer to the Committee's question is as follows:**

Mauritius was visited by representatives from Victoria, South Australia and Queensland in May 2003. After consultation with the States it is understood that the reason for the delegation travelling to Mauritius was to investigate the possibility of establishing an intercountry adoption program. The visit coincided with a visit by that delegation to Ethiopia.

We have been informed that the incremental cost to the States concerned of this addition to the return flight from Ethiopia to Australia was negligible.

Members of the delegation were Ms Meg Turner, Manager, Intercountry Adoption Service, Queensland, Ms Susette Guttmann, Manager, Intercountry Adoption Service, Victoria, and Ms Cynthia Beare, Manager, Adoptions, South Australia.

- 6 FHS 22: Is the following statement true: "not all states deal with all the agencies, because it is a relationship between the states and the agency."

**The answer to the Committee's question is as follows:**

For the majority of intercountry adoption programs, all the Australian Territories and States deal with the one agency, or the Central Authority, in the overseas country.

However, in relation to some intercountry adoption programs (an example being Thailand and India) different States and Territories may deal with different agencies within that one country. This does not prevent an adoption from proceeding from that State but rather the file will be transmitted to a particular agency with whom that State has developed an existing relationship/arrangement.

The establishment of new programs with Hague Convention countries are generally established on behalf of all the Australian States and Territories using the lead State model. So if an applicant in one State wanted to adopt from a country that another State has developed a relationship with, or is the lead State, it is possible for that State to then negotiate for an application to be transmitted to that country and use the expertise/knowledge of the lead State.

In consultation with the States and Territories, they have confirmed that they might each promote different programs at different times. This is in part reflected by the active nature of parent groups promoting particular programs in particular States and Territories. However, if an applicant expressed a preference to adopt from an active program being promoted in another State, enquiries and negotiations could be made in order to send an application to that particular country.

- 7 FHS 24: Is it possible for someone to “apply to bring someone in as a foster child” in order to circumvent the various conventions designed to protect children (eg the conventions on child trafficking and intercountry adoption)?

**The answer to the Committee’s question is as follows:**

Article 2 paragraph 2 of the Convention states that:

The Convention covers only adoptions which create a permanent parent-child relationship.

The Convention recognises that intercountry adoption offers the advantages of a permanent family for whom a suitable family cannot be found in his or her State of origin. A foster child would not fall within the confines of children covered under the Convention unless the State of Origin has established that the child is adoptable.

The State and Territory Central Authorities do not generally support privately arranged adoptions. If a foster child was adopted in the State of Origin by a foster parent through a private adoption arrangement that child would still need to meet migration requirements in order to enter and reside in Australia.

The Department of Immigration, Multicultural and Indigenous Affairs has confirmed that the only circumstance where a visa may be granted to a child adopted privately overseas is where the adoptive parents have been living overseas for more than 12 months at the time of the migration application. They must show that:

- Their residence overseas was not contrived to deliberately bypass any requirements concerning entry of adopted children into Australia; and
- They have lawfully acquired full and permanent parental rights by the child's adoption. This means that the adoption order must sever the legal relationship between the child and its natural parents; and
- The relevant authorities in the overseas country have approved the child's departure to Australia; and
- The child also needs to meet the standard migration requirements including health criteria.

In relation to a foster child (who has not been adopted) the child may be eligible for a temporary visa allowing entry into Australia such as a student or visitor visa.

# **Adoptions Australia**

## **Data collection standards, tables and counting rules, 2003–04**

Australian Institute of Health and Welfare

2003

## **Contributing departments**

These standards relate to data provided by the State and Territory departments listed below. Their cooperation in the development of these standards is acknowledged.

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### **Victoria (Vic)**

Department of Human Services

GPO Box 4057

Melbourne 3001

Phone: (03) 9616 7777

### **Queensland (Qld)**

Department of Families

GPO Box 806

Brisbane 4001

Phone: (07) 3224 8045

### **Western Australia (WA)**

Department for Community Development

PO Box 6334

East Perth 6004

Phone: (08) 9222 2555

### **South Australia (SA)**

Department of Human Services

PO Box 39

Rundle Mall

Adelaide 5000

Phone: (08) 8226 7000

### **Tasmania (Tas)**

Department of Health and Human Services

GPO Box 125B

Hobart 7001

Phone: (03) 6233 4745

### **Australian Capital Territory (ACT)**

Children's, Youth and Family Services

Dept of Education and Community Services

Locked Bag 1584

Tuggeranong ACT 2901

Phone: (06) 207 1080

### **Northern Territory (NT)**

Territory Health Services

PO Box 40596

Casuarina 0811

Phone: (08) 8999 2400



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## **Introduction**

This document sets out definitions, data items, classifications and counting rules for the compilation of national statistics on adoptions for 2003–04. The data are required for the Australian Institute of Health and Welfare’s annual publication, and to monitor the effectiveness of the new Hague Convention (Intercountry Adoption) arrangements.

These standards are specified to obtain information that is comparable across States and Territories. They reflect the proposed requirements of the Australian Institute of Health and Welfare, State and Territory community services departments and the Federal Attorney-General’s Department for 2003–04.

The tables outlined in this document should be compiled by each State and Territory and forwarded to the Australian Institute of Health and Welfare by **30 July 2004**, together with an account of any significant variations from the specified definitions and counting rules.

## **Scope and coverage**

The collection includes all adoptions approved by State and Territory community services departments during the year ended 30 June 2004.

# Part 1: Definitions, Data items and Classifications

## **Adoption**

Adoption is the legal process by which a person legally becomes a child of the adoptive parents and legally ceases to be a child of his/her existing parents.

## **Adoption order**

An adoption order is a judicial or administrative order made by a competent authority under adoption legislation by which the adoptive parent becomes the legal parent of the child.

## **Adoptive parent**

An adoptive parent is a person who has become the parent of a child or adult as the result of an adoption order.

## **Age of adopted child**

For “Known” child adoptions, the age of an adopted child is the age at the time of the adoption order. For placement adoptions, it is the age at which the child was placed with the adoptive family. Age is calculated from date of birth, in completed years.

## **Arranging body**

An arranging body is defined as an agency authorised under adoption legislation to make the decision about the placement of a child. Adoptions can be arranged by State and Territory community services departments or by an authorised non-government agency. This includes:

### *Government*

State and Territory community services department listed on page 2 or another government authority.

### *Non-government agency*

A non-government agency is an agency, approved to undertake adoptive arrangements in Australia, that is not owned or controlled by the Commonwealth Government or by a State or Territory Government. Such agencies could include church organisations, registered charities, non-profit organisations, companies, and cooperative societies and associations.

## **Country of origin**

Refers to the country of habitual residence of the child being adopted. This will generally be the country of birth of a child.

## **Dispensation**

Is a legal process by which a Court may declare that the consent of a parent is not required for an adoption order to be granted. Grounds for dispensation applications are set under individual State and Territory legislation.

## **The Hague Convention (Intercountry Adoption)**

The Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption establishes uniform standards and procedures for adoptions between countries. The Convention includes legally binding safeguards, a system of supervision and establishes channels of communication between countries. The Convention came into effect in Australia on 1 December 1998.

## **Hague adoption**

A Hague adoption is where the child's country of origin has signed the convention and the adoption order was finalised in the country of origin or Australia.

## **Indigenous status**

A person of Indigenous descent who identifies as an Indigenous person, and is accepted as such by the community with which he/she is associated is defined as Indigenous.

## **'Known' child adoptions**

'Known' child adoptions are adoptions of children who are Australian residents, where the adoptive parents are seeking to adopt a particular child who is known to them. These types of adoptions are broken down into the following categories depending on the child's relationship to the adoptive parent(s):

### *Step-parent*

A 'step-parent' is the spouse of the child's natural parent or adoptive parent. Foster parents are not included in this category.

### *Other relative(s)*

This category includes any other relative of the child. For Indigenous children, 'other relative' includes those related through kinship arrangements.

### *Carer*

Includes foster parents or other non-relatives who have been caring for the child and have had the responsibility for making decisions concerning the daily care and control of the child for the relevant period, specified in the relevant State and Territory, before the adoption.

## **Placement adoptions**

This category includes children who are legally available for adoption, but who generally have had no previous contact with the adoptive parents. These type of adoptions are broken down into the following categories:

### *Local adoptions*

'Local adoptions' are placement adoptions of Australian children, that is, children who are born in Australia or who are permanent residents of Australia before the adoption takes place.

### *Intercountry adoptions*

Intercountry adoptions are placement adoptions of children from countries other than Australia. These adoptions can be classified as a 'Hague adoption', if the country has ratified or acceded to the Hague convention, or a 'non-Hague adoption', if the country has not ratified or acceded to the Hague convention.

## **Marital status of birth mother**

### *Married*

The birth mother is classified as married if she was legally married at the time of the birth. In situations where the adopted child's birth father was legally married to the child's birth mother but died before the birth, the birth mother is classified as 'married'.

### *Not married*

The birth mother is classified as not married if she was not legally married to the birth father. This includes situations where the birth mother was living in a defacto relationship with the birth father.

## **Marital status of the adoptive parent(s)**

Marital status of the adoptive parent(s) should be counted at the time placement of the child with the adoptive parents using the following categories:

### *Married*

This includes situations where there are two adoptive parents who are legally married and living together at the time of placement of the child.

### *Defacto*

This includes situations where there are two adoptive parents who are not legally married, but are living together in a defacto relationship.

### *Single*

This includes situations where there is one adoptive parent who is not legally married or in a defacto relationship.

## **Type of arrangement for The Hague Convention children**

### *Full adoption order in child's country of origin*

An adoption made in the child's country of origin will be a full adoption if the order which is made creates, between the child and the adoptive parents, the relationships of parent and child and severs the relationship between the child and the biological parents.

### *Guardianship order*

A simple adoption order made in the child's country of origin which creates a custodial relationship between the adoptive parents and the child, but does not create the relationship of parent and child. In these cases the parent/child link between the biological parent and the child is not severed. The child enters Australia under a guardianship order, and the full adoption order must be made in Australia.



# Part 2: Tables and Counting Rules

This section specifies tables showing the minimum data set required for national adoption statistics.

The definitions and classifications given in Part 1 of these standards are to be used in compiling the figures for the tables. Counting rules and any extra instructions needed for applying the classifications follow each table.

Where applicable, the following symbols should be used in tables:

M	Males
F	Females
P	Persons
U	Unknown
-	nil or rounded to zero
..	not applicable
na	not available.

# All adoptions

Table 1: All adoptions, by type of adoption, 2003–04

Type of adoption	Number of adoptions in 2003–04
<b>'Known' child adoptions</b>	
Step-parent	
Other relative(s)	
Carer	
Other	
<i>Total 'known' child adoptions</i>	
<b>Placement adoptions</b>	
Local	
Intercountry	
Hague adoption	
Non-Hague adoption	
<i>Total placement adoptions</i>	
<b>Total adoptions</b>	

### Counting rules for Table 1

1. Table 1 includes all children for whom final adoption orders were made during 2003–04. This includes orders that were made in Australia and, in the case of Hague adoptions and countries such as China, where the full order was made in the country of origin.
2. See Part 1 for definitions of type of adoption.
3. Children are counted in the State or Territory in which the adoption order was made, or in the case of children from Hague Convention countries, the State or Territory in which the adoptive parent(s) reside.
4. In the case where a country ratified The Hague Convention (on Intercountry Adoption) during 2003–04, include the children adopted from that country after the convention was ratified in the category 'Hague adoption'. Those who were adopted from that country before the Convention was ratified should be included in 'non-Hague adoption'.
5. 'Other' includes children adopted by commission parent(s) (surrogate parents) whether the commissioning parent is a relative or not.

## 'Known' child adoptions

Table 2: 'Known' child adoptions: relationship to adoptive parent(s) by age and sex of child, 2003-04

Age	Adopted by step-parent(s)				Adopted by other relative(s)				Adopted by carers				Total			
	M	F	U	P	M	F	U	P	M	F	U	P	M	F	U	P
Years																
<1																
1																
2																
3																
4																
5																
6																
7																
8																
9																
10																
11																
12																
13																
14																
15																
16																
17																
18 and over																
Unknown																
<b>Total</b>																

### Counting rules for Table 2

1. This table covers all 'known' child adoptions in a State or Territory of Australia during the year ended 30 June 2004. The total of this table should equal total number of 'known' child adoptions in Table 1.
2. See Part 1 for definitions of 'known' child adoptions, step-parents, other relatives and carers.
3. The age of the adopted child should be counted at the date the order was granted. A child should be classified to the 'Unknown' category only if no reasonable estimate can be made of his or her age.
4. The age and sex of children adopted by commissioning parent(s) (surrogate) should be noted in a footnote.

## Indigenous children

Table 3: Adoptions of Indigenous children: by type of adoption, Indigenous status of adoptive parent(s) and sex of the child, 2003–04

Sex of adopted child	'Known' child adoptions of Indigenous children			Placement adoptions of Indigenous children			Total adoptions of Indigenous children		
	Indigenous status of adoptive parent(s)								
	Indigenous	Non-Indigenous	Total	Indigenous	Non-Indigenous	Total	Indigenous	Non-Indigenous	Total
Males									
Females									
Unknown									
Total									

**Note:** This table only counts Indigenous children

### Counting rules for Table 3

1. Table 3 includes all adoptions of Indigenous children in 2003–04.
2. See Part 1 for definitions of 'known child adoptions', 'placement adoptions' and Indigenous status.
3. Where only one adoptive parent is Indigenous, the adoptive parents should be coded as 'Indigenous'.

# Placement adoptions

**Table 4a: Placement adoptions: male children by country of origin and by age of child, 2003–04**

Country of origin	Years																		Age not stated	Total			
	<1	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17			18+		
Australia																							
Intercountry (List the countries of origin of males adopted – place an asterisk next to the non-Hague adoptions)																							
<b>Total Intercountry</b>																							
Unknown																							
<b>Total</b>																							

**Table 4b: Placement adoptions: female children by country of origin and by age of child, 2003–04**

Country of origin	Years																		Age not stated	Total			
	<1	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17			18+		
Australia																							
Intercountry (List the countries of origin of females adopted- place an asterisk next to the non-Hague adoptions)																							
<b>Total Intercountry</b>																							
Unknown																							
<b>Total</b>																							

**Table 4c: Placement adoptions: children of unknown sex by country of origin and by age of child, 2003–04**

Country of origin	Years																		Age not stated	Total			
	<1	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17			18+		
Australia																							
Intercountry (List the countries of origin of children adopted - place an asterisk next to the non-Hague adoptions)																							
<b>Total Intercountry</b>																							
Unknown																							
<b>Total</b>																							

**Table 4d: Placement adoptions: all children by country of origin and by age of the child, 2003–04**

Country of origin	Years																		Age not stated	Total		
	<1	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17			18+	
<b>Australia</b>																						
Intercountry (List the countries of origin of total children adopted - place an asterisks next to the non-Hague adoptions)																						
<b>Total Intercountry</b>																						
Unknown																						
<b>Total</b>																						

*Counting rules for Table 4a, 4b, 4c and 4d*

1. Note that placement adoptions do not include 'known' child adoptions. See Part 1 for the definition of placement adoptions and country of origin.
2. Table 4d is the sum of Tables 4a, 4b and 4c.
3. Table 4d includes all placement adoptions where the final adoption orders were made in 2003–04. The number of children included in Table 4d should be the same as total 'placement adoptions' in Table 1.
4. In the classification by age, the age of the adopted child should be counted at the date of placement with the adoptive parent(s). A child should be classified to the 'Unknown' category only if no reasonable estimate can be made of his or her age.
5. States and Territories should use their own classification to list the country of origin.
6. Countries that have not ratified or acceded to The Hague Convention (Intercountry Adoption), should be marked with an asterisk. If a country ratifies the Convention during 2003–04, the country should be listed twice, once with an asterisk for those adoption orders made before the country ratified or acceded to The Convention, and once without an asterisk for adoption orders made after the country ratified or acceded to The Convention.

**Table 5: Placement adoptions: type of adoption by age of the adoptive parents, 2003–04**

Type of adoption	Under 25	25-29	30-34	35-39	40-44	45+	Unknown	Total
<b>Age of mother</b>								
Local adoptions								
Intercountry								
- Hague adoption								
- Non-Hague adoption								
<b>Total placement adoptions</b>								
<b>Age of father</b>								
Local adoptions								
Intercountry								
- Hague adoption								
- Non-Hague adoption								
<b>Total placement adoptions</b>								

*Counting rules Table 5*

1. This table includes all placement adoptions. The total of this table should equal the total for placement adoptions in Table 1.
2. For type of placement adoption refer to Part 1.
3. Age refers to age in completed years and is counted at the date of placement of the child.
4. In the case where a country ratified The Hague Convention (on Intercountry Adoption) during 2003–04, include the children adopted from that country after the convention was ratified in the category 'Hague adoption'. Those who were adopted from that country before the Convention was ratified should be included in 'non-Hague adoption'.

**Table 6: Placement adoptions: by composition of the adoptive family, 2003–04**

Type of adoption	Composition of the adoptive family					Total
	No other children in the family	Biological children only	Adopted children only	Both biological and adopted children	Unknown	
Local adoptions						
Intercountry						
- Hague adoption						
- Non-Hague adoption						
<b>Total placement adoptions</b>						

*Table counting rules 6*

1. This table includes all placement adoptions in 2003–04. The total in this table should be the same as the total for placement adoptions in Table 1.
2. For definitions of type of placement adoptions refer to Part 1.
3. This table refers to the composition of the adoptive family at the time of placement of the child.
4. A child is considered 'biological' if it is the biological child of at least one of the parents.
5. If a family adopted more than one child during 2003–04, the family should be counted for each adoption. This includes multiple and serial adoptions.
6. In the case where a country ratified The Hague Convention (on Intercountry Adoption) during 2003–04, include the children adopted from that country after the convention was ratified in the category 'Hague adoption'. Those who were adopted from that country before the Convention was ratified should be included in 'non-Hague adoption'.



**Table 7: Placement adoptions: type of adoption by marital status of the adoptive parent(s), 2003–04**

Type of adoption	Marital status of the adoptive parent(s)				Total
	Married	Defacto	Single	Unknown	
Local adoptions					
Intercountry					
- Hague adoption					
- Non-Hague adoption					
<b>Total placement adoptions</b>					

*Counting rules Table 7*

1. This table includes all placement adoptions in 2003–04. The total in this table should be the same as the total placement adoptions in Table 1.
2. For definitions of type of adoption refer to Part 1.
3. Marital status should be counted at the time of placement of the child. Refer to Part 1 for definitions of marital status of the adoptive parent(s). If marital status has changed since the time of application for adoption, please provide details in a footnote.
4. In the case where a country ratified The Hague Convention (on Intercountry Adoption) during 2003–04, include the children adopted from that country after the convention was ratified in the category 'Hague adoption'. Those who were adopted from that country before the Convention was ratified should be included in 'non-Hague adoption'.

**Table 8: Placement adoptions: type of adoption by number of sibling adoptions, 2003–04**

Type of adoption	Number of sibling adoptions
Local adoptions	
Intercountry	
- Hague adoption	
- Non-Hague adoption	
<b>Total sibling adoptions</b>	

*Counting rules Table 8*

1. This table includes the number of sibling adoptions, that is, adoptions where siblings are adopted at the same time into the same family. This table counts the number of sibling adoptions, not the number of children adopted who are siblings. The actual number of children adopted who are siblings should be noted in a footnote.
2. For definitions of type of placement adoptions refer to Part 1.
3. In the case where a country ratified The Hague Convention (on Intercountry Adoption) during 2003–04, include the children adopted from that country after the convention was ratified in the category 'Hague adoption'. Those who were adopted from that country before the Convention was ratified should be included in 'non-Hague adoption'.

**Table 9: Placement adoptions: Number of children who were placed for adoption, regardless of whether the adoption order was finalised, 2003–04**

Type of adoption	Number of children
Local placement	
Intercountry placement	
- Hague adoption	
- Non-Hague adoption	
<b>Total</b>	

*Counting rules for Table 9*

1. Table 9 counts all children placed with their adoptive families during 2003–04. All children, regardless of the status of their adoption order, who were placed with their adoptive family are included in this table.
2. Please refer to Part 1 for definitions on type of adoption.

## Local adoptions

Table 10: Local placement adoptions: children placed for adoption by arranging body, 2003–04

Arranging body	Local adoptions
Government	
Non-government organisation	
Unknown	
<b>Total</b>	

### *Counting rules for Table 10*

1. Table 10 includes all local adoptions in 2003–04. The total of this table should be the same as the total for 'Local adoptions' in Table 1.
2. See Part 1 for the definition of 'local adoptions'.
3. Children are counted in the State or Territory in which the adoption order was made, irrespective of where the child or his/her adoptive parent(s) were living prior to the adoption, or where the adoption organisation was located.

**Table 11: Local placement adoptions: by marital status and age of birth mother, 2003–04**

Age of mother at birth of child  (Please list age of birth mother in years)	Marital status of mother at birth of child			Total
	Married	Not married	Unknown	
Unknown				
<b>Total</b>				

*Counting rules for Table 11*

1. Table 11 includes all local adoptions in 2003–04. The total for this table should equal the total for local adoptions in Table 1.
2. Note that the table is a count of children adopted, not of mothers (the number of mothers would be lower than the number of children adopted if a mother adopted out more than one child during the year).
3. Marital status of birth mother should be counted at the date of birth of the adopted child. See Part 1 for the definition of categories for the marital status of birth mother.
4. The birth mother’s age is calculated at the date of birth of the adopted child. The category ‘Unknown’ should be used only if no reasonable estimate can be made of the age of the birth mother.

**Table 12: Local placement adoptions: Type of consent given, 2003–04**

Type of consent given	Number
Mother only	
Father only	
Mother and father	
Dispensations	
Unknown	
<b>Total</b>	

*Counting rules Table 12*

1. This table includes all local adoptions in 2003–04. The total of this table should be the same as the total for 'local adoptions' in Table 1.
2. See Part 1 for the definition of dispensations.

## Intercountry adoptions

**Table 13: Intercountry placement adoptions: children adopted under the Hague Convention by country of origin, by type of arrangement under which the child entered Australia, 2003–04**

Country of origin	Full adoption order in the country of origin	Guardianship order	Total
(List countries of origin)			
<b>Total</b>			

### *Counting rules for Table 13*

1. Total children should equal the total for the category 'Intercountry – Hague adoption' in Table 1.
2. States and Territories should use their own classification of country of origin to list the country of origin.
3. See Part 1 for definitions of types of arrangements under which the child entered Australia under The Hague Convention.

**Table 14: Intercountry placement adoptions: number of children who entered Australia in 2003–04 whose adoption orders were not finalised by 30 June 2004.**

Country of origin	Number
(List the countries of origin – place an asterisk next to the non-Hague countries)	
<b>Total</b>	

*Counting rules for Table 14*

1. Table 14 includes all Intercountry adoptions where the child entered Australia in 2003–04 but where the adoption order was not finalised by 30 June 2004.
2. States and Territories should use their own classification to list the country of origin.
3. Countries that have not ratified or acceded to The Hague Convention (Intercountry Adoption), should be marked with an asterisk. If a country ratifies the Convention during the year, the country should be listed twice, once with an asterisk for those adoptions made before the country ratified The Convention, and one without an asterisk for adoptions made after the country ratified The Convention.



## Information and contact

**Table 15: Contact and identifying information vetoes lodged by adults:  
Number of vetoes in place at 30 June 2004 by person who lodged the veto**

Contact vetoes	Number
<b>Lodged by:</b>	
Adopted person	
Adoptive mother	
Adoptive father	
Birth mother	
Birth father	
Other birth relative(s)	
Other adoptive relative(s)	
Unknown	
Total	
Identifying information vetoes	Number
<b>Lodged by:</b>	
Adopted person	
Adoptive mother	
Adoptive father	
Birth mother	
Birth father	
Other birth relative(s)	
Other adoptive relative(s)	
Unknown	
Total	

### *Counting rules for Table 15*

1. This table counts the number of contact vetoes and identifying information vetoes that were in place at 30 June 2004. Please note that this table differs from the following table, as it counts all vetos in place, regardless of when the veto was lodged.
2. Adult refers to someone aged 18 years and over.
3. If legislation or policy allows an individual to lodge more than one contact or more than one identifying information veto (for example to veto the release of information to certain people but not to others), this should only be recorded as one contact veto or one information veto.
4. States and Territories should provide footnotes detailing the types of arrangements for vetoes in their jurisdiction.

**Table 16: Contact and identifying information vetoes lodged by adults:  
Number of vetoes lodged during 2003–04 by person who lodged the veto**

Contact vetoes	Number
<b>Lodged by:</b>	
Adopted person	
Adoptive mother	
Adoptive father	
Birth mother	
Birth father	
Other birth relative(s)	
Other adoptive relative(s)	
Unknown	
Total	
Identifying information vetoes	Number
<b>Lodged by:</b>	
Adopted person	
Adoptive mother	
Adoptive father	
Birth mother	
Birth father	
Other birth relative(s)	
Other adoptive relative(s)	
Unknown	
Total	

*Counting rules for Table 16*

1. This table counts the number of contact vetoes and identifying information vetoes that were lodged during 2003–04. Please note that this table is different from the previous table as it only counts new vetos lodged during the financial year.
2. For those States and Territories where vetoes are renewable, please state how many of the vetoes are new and how many are renewals.
3. Adult refers to someone aged 18 years and over.
4. If legislation or policy allows an individual to lodge more than one contact or more than one identifying information veto (for example to veto the release of information to certain people but not to others), this should only be recorded as one contact veto or one information veto.
5. States and Territories should provide footnotes detailing the types of arrangements for vetoes in their jurisdiction.

**Table 17: Applications for information by adults: Type of application, by person lodging and type of adoption, 2003-04**

Person lodging the application	Identifying information	Non-identifying information
<b>Local placement adoptions</b>		
Adopted person		
Adoptive mother		
Adoptive father		
Birth mother		
Birth father		
Other birth relative(s)		
Other adoptive relative(s)		
Child of adopted person		
Unknown		
<b>Total</b>		

*Counting rules for Table 17*

1. This table counts the number of applications for information by adults lodged during 2003-04.
2. Adult refers to someone aged 18 years and over.

**Table 18: Adopted persons aged 18 and over who lodged information applications, by age, sex and Indigenous status, 2003–04**

Age	Indigenous				Non-Indigenous				Total			
	M	F	U	P	M	F	U	P	M	F	U	P
18-19												
20-24												
25-34												
35-44												
45+												
Unknown												
Total												

*Counting rules Table 18*

1. This table includes all adopted people who lodged information applications during 2003–04.
2. See Part 1 for definition of Indigenous status.
3. Age is in completed years at the time of the application.
4. The total in this table should equal the total number of adopted people lodging information applications in Table 18.

**Table 19: Local placement adoptions: agreements on information exchange and contact at the time of the adoption order, 2003–04**

Type of agreement	Number
Contact and information exchange	
Contact only	
Information exchange only	
No contact or information exchange	
Unknown	
<b>Total</b>	

*Counting rules Table 19*

1. This table includes all local adoptions in 2003–04. The total of this table should equal the total number of local adoptions in Table 1.

## **ANNEX 2 – STATISTICS FORMS**

### **Introduction and explanation**

In response to the request made during the Special Commission of 2000, the Permanent Bureau is developing a set of standard forms for the reporting of statistics, and we have attached the Draft Adoption Statistics Forms (State of origin forms – 1a, 1b, 1c; receiving State forms – 2a, 2b, 2c).

We would like to receive the completed forms from as many States as possible by **14 June 2005**, and welcome comments or suggestions on the forms and their ease of use. If possible, we would like to receive statistics from the years 2001, 2002 and 2003. Compiled statistics will be made available at the Special Commission meeting.

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**Table 1: Number of Hague Convention adoptions by country of origin, 2004**

Country of origin	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Total
Colombia	4	—	—	—	—	—	—	—	4
India	1	—	—	—	10	—	—	3	14
Lithuania	—	1	—	—	—	—	—	—	1
Philippines	7	15	5	3	4	2	2	1	39
Sri Lanka	—	1	—	—	—	—	1	—	2
Thailand	—	—	—	—	1	—	—	1	2
<b>Total</b>	<b>12</b>	<b>17</b>	<b>5</b>	<b>3</b>	<b>15</b>	<b>2</b>	<b>3</b>	<b>5</b>	<b>62</b>

**Table 2: Number of Hague Convention adoptions by age of the child, 2004**

Age (years)	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Total
<1	4	1	—	—	2	—	—	—	7
1	3	4	1	1	5	1	1	—	16
2	4	6	—	—	2	—	1	1	14
3	—	3	1	1	—	—	—	1	6
4	1	3	2	1	3	—	1	1	12
5	—	—	1	—	1	—	—	1	3
6	—	—	—	—	2	1	—	—	3
7	—	—	—	—	—	—	—	—	—
8	—	—	—	—	—	—	—	1	1
<b>Total</b>	<b>12</b>	<b>17</b>	<b>5</b>	<b>3</b>	<b>15</b>	<b>2</b>	<b>3</b>	<b>5</b>	<b>62</b>

**Table 3: Number of Hague Convention adoptions by sex of the child and country of origin, 2004**

	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Total
<b>Males</b>									
Colombia	2	—	—	—	—	—	—	—	2
India	—	—	—	—	4	—	—	—	4
Lithuania	—	1	—	—	—	—	—	—	1
Philippines	4	13	1	3	3	2	1	1	28
Sri Lanka	—	—	—	—	—	—	1	—	1
Thailand	—	—	—	—	1	—	—	1	2
<i>Total</i>	<i>6</i>	<i>14</i>	<i>1</i>	<i>3</i>	<i>8</i>	<i>2</i>	<i>2</i>	<i>2</i>	<i>38</i>
<b>Females</b>									
Colombia	2	—	—	—	—	—	—	—	2
India	1	—	—	—	6	—	—	3	10
Lithuania	—	—	—	—	—	—	—	—	—
Philippines	3	2	4	—	1	—	1	—	11
Sri Lanka	—	1	—	—	—	—	—	—	1
<i>Total</i>	<i>6</i>	<i>3</i>	<i>4</i>	<i>—</i>	<i>7</i>	<i>—</i>	<i>1</i>	<i>3</i>	<i>24</i>
<b>Total children</b>	<b>12</b>	<b>17</b>	<b>5</b>	<b>3</b>	<b>15</b>	<b>2</b>	<b>3</b>	<b>3</b>	<b>62</b>

**Table 4: Number of Hague Convention adoptions by composition of adoptive family, 2004**

	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Total
No other children in the family	9	10	2	2	9	2	2	4	40
Biological children only in the family	2	3	—	1	2	—	1	1	10
Adopted children only in the family	1	4	3	—	4	—	—	—	12
Both biological and adopted children in the family	—	—	—	—	—	—	—	—	—
<b>Total</b>	<b>12</b>	<b>17</b>	<b>5</b>	<b>3</b>	<b>15</b>	<b>2</b>	<b>3</b>	<b>5</b>	<b>62</b>

**Table 5: Number of Hague Convention adoptions by marital status of the adoptive parents, 2004**

	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Total
Married	12	17	5	3	15	2	3	5	62
De facto	—	—	—	—	—	—	—	—	—
Single	—	—	—	—	—	—	—	—	—
<b>Total</b>	<b>12</b>	<b>17</b>	<b>5</b>	<b>3</b>	<b>15</b>	<b>2</b>	<b>3</b>	<b>5</b>	<b>62</b>

Note: Number of parents and number of adoptions are not always the same due to sibling group adoptions and single parent adoptions.

**Table 6: Number of Hague Convention adoptions by age of the adoptive mother, 2004**

	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Total
25-29 years	—	—	—	—	—	—	—	—	—
30-34 years	3	3	—	—	3	1	1	1	12
35-39 years	1	11	5	2	3	—	2	1	25
40-44 years	6	2	—	1	7	—	—	1	17
45+ years	2	1	—	—	2	1	—	2	8
<b>Total</b>	<b>12</b>	<b>17</b>	<b>5</b>	<b>3</b>	<b>15</b>	<b>2</b>	<b>3</b>	<b>5</b>	<b>62</b>



**Table 7: Number of Hague Convention adoptions by age of the adoptive father, 2004**

	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Total
25-29 years	—	—	—	—	—	—	—	—	—
30-34 years	2	3	—	—	—	—	1	1	7
35-39 years	4	8	2	1	3	1	—	2	21
40-44 years	4	5	—	2	6	1	—	1	19
45+ years	2	1	3	—	6	—	2	1	15
<b>Total</b>	<b>12</b>	<b>17</b>	<b>5</b>	<b>3</b>	<b>15</b>	<b>2</b>	<b>3</b>	<b>5</b>	<b>62</b>

Note: Number of parents and number of adoptions are not always the same due to single parent adoptions.

**Table 8: Number of Hague Convention adoptions by type of arrangement the child entered Australia, 2004**

	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Total
Guardianship order	8	15	5	3	15	2	2	5	55
Full adoption order	4	2	—	—	—	—	1	—	7
<b>Total</b>	<b>12</b>	<b>17</b>	<b>5</b>	<b>3</b>	<b>15</b>	<b>2</b>	<b>3</b>	<b>5</b>	<b>62</b>

**Table 9: Number of sibling group adoptions by country of origin, 2004**

	Number of children
India	3
Philippines	1
<b>Total</b>	<b>4</b>

Note: These children were comprised of 2 groups of 2 children from India, one group of 3 children from and one group of 2 children from The Philippines.

**Table 10: Intercountry adoptions: children who entered Australia in 2003 by living arrangements 12 months later by whether a Hague adoption or non-Hague adoption**

Living arrangement 12 months after entering Australia	Hague adoption	Non-Hague adoptions
With the original adoptive parent(s)		
Family structure unchanged	76	334
Family structure changed (does not include any additions of children)	—	—
With another adoptive family	—	—
Returned to country of origin	—	—
Deceased	—	—
Other (includes foster care, state ward, independent living)	—	—
Unknown	—	4
<b>Total</b>	<b>76</b>	<b>338</b>

**Table 1: Number of Hague Convention adoptions by country of origin, 2003**

Country of origin	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Total
Burkina Faso	—	1	—	—	—	—	—	—	1
Colombia	5	—	—	—	—	—	1	—	6
Philippines	5	6	3	—	3	4	2	—	23
Sri Lanka	1	1	—	1	—	—	—	—	3
<b>Total</b>	<b>11</b>	<b>8</b>	<b>3</b>	<b>1</b>	<b>3</b>	<b>4</b>	<b>3</b>	<b>—</b>	<b>33</b>

**Table 2: Number of Hague Convention adoptions by age of the child, 2003**

Age (years)	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Total
<1	5	3	—	—	1	—	1	—	10
1	2	2	—	—	1	—	1	—	6
2	—	1	3	1	—	—	1	—	6
3	2	1	—	—	—	1	—	—	4
4	—	1	—	—	—	1	—	—	2
5	—	—	—	—	—	—	—	—	—
6	2	—	—	—	1	2	—	—	5
7	—	—	—	—	—	—	—	—	—
8	—	—	—	—	—	—	—	—	—
9	—	—	—	—	—	—	—	—	—
10	—	—	—	—	—	—	—	—	—
<b>Total</b>	<b>11</b>	<b>8</b>	<b>3</b>	<b>1</b>	<b>3</b>	<b>4</b>	<b>3</b>	<b>—</b>	<b>33</b>

**Table 3: Number of Hague Convention adoptions by sex of the child and country of origin, 2003**

	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Total
<b>Males</b>									
Burkina Faso	—	—	—	—	—	—	—	—	—
Colombia	4	—	—	—	—	—	—	—	4
Philippines	2	4	—	—	2	2	1	—	11
Sri Lanka	1	1	—	—	—	—	—	—	2
<i>Total</i>	<i>7</i>	<i>5</i>	<i>—</i>	<i>—</i>	<i>2</i>	<i>2</i>	<i>1</i>	<i>—</i>	<i>17</i>
<b>Females</b>									
Burkina Faso	—	1	—	—	—	—	—	—	1
Colombia	1	—	—	—	—	—	1	—	2
Philippines	3	2	3	—	1	2	1	—	12
Sri Lanka	—	—	—	1	—	—	—	—	1
<i>Total</i>	<i>4</i>	<i>3</i>	<i>3</i>	<i>1</i>	<i>1</i>	<i>2</i>	<i>2</i>	<i>—</i>	<i>16</i>
<b>Total children</b>	<b>11</b>	<b>8</b>	<b>3</b>	<b>1</b>	<b>3</b>	<b>4</b>	<b>3</b>	<b>—</b>	<b>33</b>

**Table 4: Number of Hague Convention adoptions by composition of adoptive family, 2003**

	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Total
No other children in the family	6	7	3	—	1	3	3	—	23
Biological children only in the family	—	—	—	1	1	—	—	—	2
Adopted children only in the family	4	1	—	—	1	1	—	—	7
Both biological and adopted children in the family	1	—	—	—	—	—	—	—	1
<b>Total</b>	<b>11</b>	<b>8</b>	<b>3</b>	<b>1</b>	<b>3</b>	<b>4</b>	<b>3</b>	<b>—</b>	<b>33</b>

**Table 5: Number of Hague Convention adoptions by marital status of the adoptive parents, 2003**

	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Total
Married	11	8	3	1	3	4	3	—	33
De facto	—	—	—	—	—	—	—	—	—
Single	—	—	—	—	—	—	—	—	—
<b>Total</b>	<b>11</b>	<b>8</b>	<b>3</b>	<b>1</b>	<b>3</b>	<b>4</b>	<b>3</b>	<b>—</b>	<b>33</b>

Note: Number of parents and number of adoptions are not always the same due to sibling group adoptions and single parent adoptions.

**Table 6: Number of Hague Convention adoptions by age of the adoptive mother, 2003**

	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Total
25-29 years	—	—	—	—	1	—	—	—	1
30-34 years	—	—	1	—	—	1	1	—	3
35-39 years	3	4	1	—	—	—	2	—	10
40-44 years	4	4	1	1	1	3	—	—	14
45+ years	4	—	—	—	1	—	—	—	5
<b>Total</b>	<b>11</b>	<b>8</b>	<b>3</b>	<b>1</b>	<b>3</b>	<b>4</b>	<b>3</b>	<b>—</b>	<b>33</b>

**Table 7: Number of Hague Convention adoptions by age of the adoptive father, 2003**

	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Total
25-29 years	—	—	—	—	—	—	—	—	—
30-34 years	—	1	—	—	1	—	1	—	3
35-39 years	1	—	1	—	—	—	1	—	3
40-44 years	3	4	—	1	1	2	—	—	11
45+ years	7	3	2	—	1	2	1	—	16
<b>Total</b>	<b>11</b>	<b>8</b>	<b>3</b>	<b>1</b>	<b>3</b>	<b>4</b>	<b>3</b>	<b>—</b>	<b>33</b>

Note: Number of parents and number of adoptions are not always the same due to single parent adoptions.

**Table 8: Number of Hague Convention adoptions by type of arrangement the child entered Australia, 2003**

	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Total
Guardianship order	5	6	3	—	3	4	2	—	23
Full adoption order	6	2	—	1	—	—	1	—	10
<b>Total</b>	<b>11</b>	<b>8</b>	<b>3</b>	<b>1</b>	<b>3</b>	<b>4</b>	<b>3</b>	<b>—</b>	<b>33</b>

**Table 9: Number of sibling adoptions, by country of origin and number of children in the sibling group, 2003**

	Number of children
Philippines	4
<b>Total</b>	<b>4</b>

Note: These children were comprised of two sibling groups from the Philippines

**Table 10: Intercountry adoptions: children who entered Australia in 2002 by living arrangements 12 months later by whether a Hague adoption or non-Hague adoption**

Living arrangement 12 months after entering Australia	Hague adoption	Non-Hague adoptions
With the original adoptive parent(s)		
Family structure unchanged	49	262
Family structure changed (does not include any additions of children)	—	3
With another adoptive family	—	1
Returned to country of origin	—	—
Deceased	—	1
Other (includes foster care, state ward, independent living)	—	1
Unknown	—	7
<b>Total</b>	<b>49</b>	<b>275</b>

**Table 1: Number of Hague Convention adoptions by country of origin, 2002**

	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Total
Colombia	13	—	—	—	—	—	1	—	14
Philippines	1	3	3	2	4	1	2	1	17
Sri Lanka	—	—	—	—	—	1	—	—	1
<b>Total</b>	<b>14</b>	<b>3</b>	<b>3</b>	<b>2</b>	<b>4</b>	<b>2</b>	<b>3</b>	<b>1</b>	<b>32</b>

**Table 2: Number of Hague Convention adoptions by age of the child, 2002**

Age (years)	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Total
<1	11	—	—	—	—	1	1	—	13
1	2	1	2	1	—	—	—	—	6
2	—	2	1	1	—	—	1	1	6
3	1	—	—	—	—	—	—	—	1
4	—	—	—	—	1	1	—	—	2
5	—	—	—	—	1	—	—	—	1
6	—	—	—	—	—	—	1	—	1
7	—	—	—	—	—	—	—	—	—
8	—	—	—	—	—	—	—	—	—
9	—	—	—	—	—	—	—	—	—
10	—	—	—	—	2	—	—	—	2
<b>Total</b>	<b>14</b>	<b>3</b>	<b>3</b>	<b>2</b>	<b>4</b>	<b>2</b>	<b>3</b>	<b>1</b>	<b>32</b>

**Table 3: Number of Hague Convention adoptions by sex of the child and country of origin, 2002**

	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Total
<b>Males</b>									
Colombia	5	—	—	—	—	—	—	—	5
Philippines	1	1	—	1	3	1	—	1	8
Sri Lanka	—	—	—	—	—	1	—	—	1
<i>Total</i>	<i>6</i>	<i>1</i>	<i>—</i>	<i>1</i>	<i>3</i>	<i>2</i>	<i>—</i>	<i>1</i>	<i>14</i>
<b>Females</b>									
Colombia	8	—	—	—	—	—	1	—	9
Philippines	—	2	3	1	1	—	2	—	9
Sri Lanka	—	—	—	—	—	—	—	—	—
<i>Total</i>	<i>8</i>	<i>2</i>	<i>3</i>	<i>1</i>	<i>1</i>	<i>—</i>	<i>3</i>	<i>—</i>	<i>18</i>
<b>Total children</b>	<b>14</b>	<b>3</b>	<b>3</b>	<b>2</b>	<b>4</b>	<b>2</b>	<b>3</b>	<b>1</b>	<b>32</b>

**Table 4: Number of Hague Convention adoptions by composition of adoptive family, 2002**

	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Total
No other children in the family	8	1	3	1	4	—	1	—	18
Biological children only in the family	1	1	—	1	—	1	—	1	5
Adopted children only in the family	5	1	—	—	—	1	2	—	9
Both biological and adopted children in the family	—	—	—	—	—	—	—	—	—
<b>Total</b>	<b>14</b>	<b>3</b>	<b>3</b>	<b>2</b>	<b>4</b>	<b>2</b>	<b>3</b>	<b>1</b>	<b>32</b>

**Table 5: Number of Hague Convention adoptions by marital status of the adoptive parents, 2002**

	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Total
Married	14	3	3	2	4	2	3	1	32
De facto	—	—	—	—	—	—	—	—	—
Single	—	—	—	—	—	—	—	—	—
<b>Total</b>	<b>14</b>	<b>3</b>	<b>3</b>	<b>2</b>	<b>4</b>	<b>2</b>	<b>3</b>	<b>1</b>	<b>32</b>

Note: Number of parents and number of adoptions are not always the same due to sibling group adoptions and single parent adoptions.

**Table 6: Number of Hague Convention adoptions by age of the adoptive mother, 2002**

	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Total
25-29 years	1	—	—	—	—	—	—	—	1
30-34 years	2	—	1	—	—	1	—	—	4
35-39 years	2	3	2	2	—	—	1	1	11
40-44 years	8	—	—	—	3	—	1	—	12
45+ years	1	—	—	—	1	1	1	—	4
<b>Total</b>	<b>14</b>	<b>3</b>	<b>3</b>	<b>2</b>	<b>4</b>	<b>2</b>	<b>3</b>	<b>1</b>	<b>32</b>

**Table 7: Number of Hague Convention adoptions by age of the adoptive father, 2002**

	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Total
25-29 years	—	—	—	—	—	—	—	—	—
30-34 years	4	—	—	—	—	—	—	—	4
35-39 years	2	2	1	1	—	—	1	—	7
40-44 years	6	1	2	1	2	—	1	—	13
45+ years	2	—	—	—	2	2	1	1	8
<b>Total</b>	<b>14</b>	<b>3</b>	<b>3</b>	<b>2</b>	<b>4</b>	<b>2</b>	<b>3</b>	<b>1</b>	<b>32</b>

Note: Number of parents and number of adoptions are not always the same due to single parent adoptions.

**Table 8: Number of Hague Convention adoptions by type of arrangement the child entered Australia, 2002**

	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Total
Guardianship order	1	3	3	2	4	1	2	1	17
Full adoption order	13	—	—	—	—	1	1	—	15
<b>Total</b>	<b>14</b>	<b>3</b>	<b>3</b>	<b>2</b>	<b>4</b>	<b>2</b>	<b>3</b>	<b>1</b>	<b>32</b>

**Table 9: Number of sibling adoptions, by country of origin and number of children in the sibling group, 2002**

	Number of children
<b>Total</b>	<b>0</b>

**Table 10: Intercountry adoptions: children who entered Australia in 2001 by living arrangements 12 months later by whether a Hague adoption or non-Hague adoption**

Living arrangement 12 months after entering Australia	Hague adoption
With the original adoptive parent(s)	
Family structure unchanged	34
Family structure changed (does not include any additions of children)	—
With another adoptive family	—
Returned to country of origin	—
Deceased	—
Other (includes foster care, state ward, independent living)	—
Unknown	—
<b>Total</b>	<b>34</b>







**Australian Government**  
**Attorney-General's Department**

Civil Justice Division

**Australian Central Authority**  
**The Hague Convention on Protection of Children and Co-operation in Respect of**  
**Intercountry Adoption**

04/2692

5 January 2005

Procuraduria General de la Nacion  
Convenio Relativo a la Proteccion del Nino y a la  
Cooperacion en Materia de Adopcion Internacional  
15 Ave. 9-69 Zona 13  
C.P. 01013  
Ciudad de Guatemala  
GUATEMALA

Dear Sir or Madam

**Intercountry Adoption – Australia & Guatemala**

The Australian Central Authority sends greetings to the Central Authority for Guatemala and respectfully advises that there are families in Australia interested in making an adoption application to Guatemala in 2005.

As you may know, on 1 December 1998, the *Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption* (the Convention) entered into force for Australia. Under Article 6 of the Convention, Australia designated the Federal Attorney-General's Department as the Australian Central Authority. Central Authorities were also established in each of the eight States and Territories. The State and Territory Central Authorities are responsible for all procedural matters, including sending and receiving all adoption applications and related documents, under the Convention. These Central Authorities also assess and approve prospective adoptive parents and monitor the progress of children once they are placed in their adoptive family.

Although the Convention entered into force for Guatemala on 1 March 2003, the adoption program between Australia and Guatemala has been closed. The State and Territory Central Authorities have been advising Australian families that Guatemala does not have a functioning central authority that could manage adoption applications in accordance with the Convention. The Australian Central Authority would like to enquire whether Guatemala has now developed new processes for adoption applications that comply with the Convention requirements.

The Australian Central Authority would appreciate if you would be able to advise the following:

1. Whether Procuraduria General de la Nacion has resumed processing adoption applications under the Convention;
2. Whether proper processes have been developed to comply with Convention requirements;
3. The arrangements for receiving and managing applications under the Convention;
4. Whether Procuraduria General de la Nacion has accredited any bodies under the Convention; and
5. Any other information which may be of interest.

In anticipation, thank you for assisting with our enquiry. I look forward to hearing from you.

Yours sincerely

Susan Noad  
Legal Officer  
International Family Law Section

Telephone: +61 2 6234 4842  
Facsimile: +61 2 6234 4849  
E-mail: susan.noad@ag.gov.au



**Australian Government**  
**Attorney-General's Department**

Civil Justice Division

**Autoridad Central de Australia**

**Convenio de la Haya sobre la Protección del Niño y a la Cooperación en Materia de Adopción Internacional**

04/2692

5 de enero de 2005

Procuraduría General de la Nación  
Convenio Relativo a la Protección del Niño y a la  
Cooperación en Materia de Adopción Internacional  
15 Ave. 9-69 Zona 13  
C.P. 01013  
Ciudad de Guatemala  
GUATEMALA

De mi consideración:

**Adopción entre Países - Australia y Guatemala**

Por medio de la presente, la Autoridad Central de Australia desea enviar sus saludos a la Autoridad Central de Guatemala y avisarle respetuosamente que hay familias en Australia que desearían presentar solicitudes de adopción a Guatemala en 2005.

Quizás Ud. esté al tanto de que el *Convenio de la Haya sobre la Protección del Niño y la Cooperación en Materia de Adopción Internacional* (el Convenio) entró en vigor en Australia el 1º de diciembre de 1998. Conforme al Artículo 6 del Convenio, Australia designó al Ministerio Federal de la Procuraduría General (Attorney-General's Department) como la Autoridad Central de Australia. Asimismo, se establecieron Autoridades Centrales en cada uno de los ocho Estados y Territorios. Con arreglo al Convenio, las Autoridades Centrales Estatales y Territoriales están a cargo de todos los asuntos referentes al procedimiento, incluidos el envío y la recepción de todas las solicitudes de adopción y documentos referentes a la misma. Dichas Autoridades Centrales también evalúan y aprueban a los futuros padres adoptivos y controlan el progreso de los niños, una vez que se los ha colocado con su familia adoptiva.

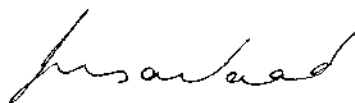
Aunque el Convenio entró en vigor en Guatemala el 1º de marzo de 2003, el programa de adopción entre Australia y Guatemala ha sido cancelado. Se ha notificado a las Autoridades Centrales Estatales y Territoriales que Guatemala no tiene una autoridad central en funcionamiento que pueda gestionar las solicitudes de adopción en el marco del Convenio. La Autoridad Central de Australia desearía averiguar si Guatemala ha elaborado nuevos procedimientos para que las solicitudes de adopción cumplan con los requisitos del Convenio.

La Autoridad Central de Australia agradecería encarecidamente se le notificara lo siguiente:

1. Si la Procuraduría General de la Nación ha reiniciado el gestionamiento de las solicitudes de adopción con arreglo al Convenio;
2. Si se han elaborado trámites adecuados para satisfacer los requisitos del Convenio;
3. Los trámites referentes a la recepción y gestión de las solicitudes con arreglo al Convenio;
4. Si la Procuraduría General de la Nación ha acreditado organismo alguno en el marco del Convenio; y
5. Toda otra información que pueda ser de interés.

Quedo a la espera de sus gratas noticias y le agradezco por anticipado su asistencia con respecto a nuestra consulta.

Saludo a Ud. con la consideración más distinguida.



Susan Noad  
Funcionario Jurídico  
(Legal Officer)  
Sección de Legislación Familiar Internacional  
(International Family Law Section)

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**National Attorney-General's Department**

**(Procuraduría General de la Nación)**

15 Avenida 9-69, ZONA 13, GUATEMALA, CA 01013

Tel.: 331-1005 & 334-8451 -- Fax (502) 332-1804

(THERE IS A STAMP:  
"Note 02-2005 RLMH/adb")

17 February 2005

Ms Susan Noad  
Legal Officer  
International Family Law Section  
Australia

Dear Ms Noad,

I refer to your note dated 5 January 2005. Following instructions from Mr Luis Alonso ROSALES MARROQUÍN, National Attorney-General, I wish to inform you as follows:

As you very well state, Guatemala has no operational Central Authority under the Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoption. A decision of the Constitutionality Court (Corte de Constitucionalidad) excluded the matter from the national legal system.

The Congress of the Republic (Congreso de la República) is currently debating a bill for an Adoptions Act (Ley de Adopciones), and it is intended that its provisions will be consistent with those of the Hague Convention.

Consequently, the provisions of the Hague Convention have no applicability at this stage. It is expected that they will be incorporated in the new Adoptions Act. Because of the short period in which the Hague Convention was in force, it was not possible to accredit any agency.

Without any further news, I remain

Yours sincerely,

(sgd.) Rudio Leosan MÉRIDA HERRERA, LLB  
Director, Attorney-General's Section  
(Jefe Sección Procuraduría)

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