

INTERCOUNTRY ADOPTION

FIVE STAGE PROCESS

This document describes the application process for intercountry adoption in South Australia in a 5-Stage process.

From 1 April 2005 all applications for intercountry adoption in South Australia will be conducted under this process. For applicants part way through the adoption process their application will be transferred into the 5 Stage Process by 1 April 2005.

The process is administered by the Department for Families and Communities through the Adoption and Family Information Service (AFIS).

Each page describes a stage of the process and shows what needs to be completed before moving on to the next stage. The information includes fees payable to the Department. Please note that there may be other fees not noted here and this may depend on the country to which your application is made.

The process described outlines the essential requirements. Overseas countries can vary their requirements from time to time. Further detail about each step will be provided during the process.

The time it takes for this process to move from stage 1 to stage 5 can vary greatly.

The number of stages in the process has been reduced to provide greater efficiency and simplification and the schedule of fees has also been simplified to reflect these changes. The total of all fees has not been increased.

IF YOU HAVE ANY CONCERNS OR QUERIES, PLEASE CONTACT:

Adoption and Family Information Service

Ph: 8207 0060

adoptions@dfc.sa.gov.au



STAGE 1

ELIGIBILITY

This stage involves you expressing your interest in adopting a child from overseas and providing information about yourselves. This is so that any potential difficulties can be identified as soon as possible. At this stage AFIS will make a decision about your eligibility to adopt a child under the SA Adoption Act and will determine which overseas countries (if any) from which you would be eligible to adopt.

- Information session – These are held monthly by AFIS and must be attended prior to any other parts of Stage One. Both First and Second Applicants must attend this Information Session.
- Expression of interest Form lodged with AFIS (accompanied by fee*). The Expression of Interest form and the forms listed below will be given to you at the Information Session
 - Signed authority to access "Personal History Information". AFIS will forward this to the Police Department who will provide a statement of any criminal record
 - Health Statements, Medical Consents, Medical Forms, Information Consents
- AFIS will check for and follow up Departmental records in relation to you
- Stage One Interview with AFIS worker. This is compulsory for both First and Second Applicants, and is to discuss registration and suitability criteria. *(For Second Applicants this interview will also be instead of attending the 2 day Education Session. This is held after the above forms have been returned to AFIS)*

All of the above must be completed whether or not you have adopted before. All of this information is thoroughly reviewed and any potential difficulties will be discussed with you prior to Stage 2.

FEES:

- \$600 if applying for the first time or
- \$450 if you have adopted before in South Australia

Once your Expression of Interest has been accepted and you are determined as eligible to adopt in South Australia, you can move to Stage 2.



STAGE 2

ORIENTATION/ APPLICATION/ ASSESSMENT

The purpose of this stage is two-fold. It is

- For you to find out about intercountry adoption, and to explore the personal and the wider implications for you and your family, and consider them carefully. This stage enables you to assess for yourselves whether adoption is right for you, before you decide to proceed to make a formal application to adopt
- To assess your suitability to adopt a child according to the requirements of the South Australian Legislation.

Education forums

- People who have not adopted before are required to attend a weekend two day Education Session
- People who have adopted before are required to attend an interview which will be a combined Stage One & Stage Two Interview.
- Arrangements will be made to accommodate the needs of people who live in the country.

The Application

- Providing all of the requirements are met and you have attended the required workshop you will be formally invited to make an application to adopt. You will be provided with the required forms and documentation.

The Assessment

1. A Social Worker or Psychologist will interview you both at home (together and separately) as well as interviewing any children of either or both of you, whether or not they live with you, and anyone else who lives in your home with you.
2. The assessing worker then prepares a written report. The report is forwarded to you for confirmation that the facts contained in the report are correct.
3. The report and all other information in your file is considered. Other expert advice or consultation may occur at this point. The delegated officer in the Department makes a decision as to whether or not you are formally approved and registered as prospective adoptive parents.
 - If you are considered suitable to be registered as prospective adoptive parents, you are advised of a decision by letter from AFIS.
 - If you are not considered to be suitable to be registered as prospective adoptive parents, or there are other problems with your application, you will be advised of this and your rights to appeal will be explained to you.

Allocated AFIS worker

- Once you have been approved to adopt, you will be allocated an AFIS worker who will be your contact point at AFIS for any further enquiries.

FEES:

Stage 2 fees are to be paid in full prior to beginning Stage 2

Education and Assessment: First time applicants - \$3000

Subsequent applicants - \$2500

If you are registered as prospective adoptive parents you will move on to Stage3.

STAGE 3

APPLYING TO OVERSEAS COUNTRY

This stage involves preparing and sending your application to adopt a child from a chosen overseas country. Once your application has been sent to the overseas country this may be the most challenging time for you. It is not possible to estimate how long it may take for decisions about your application to be made by the overseas authorities.

This stage is an opportunity to increase your knowledge and awareness about the country and culture from which you plan to adopt, and how intercountry adoption will affect you and your family.

Preparing your file to send overseas

- You will be provided with a document list in order to prepare your application dossier which will be sent to the overseas country
- While you may have provided some of the documents previously to AFIS to establish your eligibility under the South Australian adoption law, the documents required for the overseas country must be original or certified copies and must be current
 - Examples of documents that may be required are the Home Study Report, Birth Certificates, Marriage Certificates, Citizenship Certificates, and Police Checks
- Once you have completed your dossier we will assist in arrangements for it to be sent overseas.

After your file is sent:

1. In South Australia

You may continue to participate in education and information forums about parenting in general or about adoption, or the country from which you plan to adopt.

2. At this stage it can be useful to make contact with families who have adopted before. AFIS can assist you with this either with information about parent groups, or by putting you in touch with other families.

3. Overseas

- The overseas adoption authority considers and evaluates your application according to their criteria along with others it has received and conducts its own processes
- AFIS maintains regular contact with overseas authorities to ensure all requirements relating to your application are met
- Nothing can happen at this stage until the overseas authority has made a decision that a child should be adopted to a foreign country.
- AFIS cannot influence the process conducted by the overseas authority whose decision regarding placing their child/children for adoption overseas must be respected.

FEES:

\$2000 for all applicants, to be paid in full before starting stage 3

Other expenses may include:

- Notary public
- Dept of Foreign Affairs and Trade fee
- Consularising fee
- Adoption fees in overseas country



STAGE 4

MATCHING and PLACEMENT OF CHILD

At this stage a child may be matched and allocated to you. Once the allocation of the child to you has been approved and accepted, the child is still a child of his or her country and there are still factors which may prevent the child from being placed with you (eg. medical issues, a relative may claim the child). It can therefore be an anxious time for you. There are many arrangements to be made, and requirements to be met, before the child can be placed with you.

1. Matching and Allocation

Once the overseas adoption authority considers that you are the best family for a particular child or children, a matching may occur. This involves:

- The overseas adoption authority forwards details of the child to AFIS.
- The delegated Departmental officer considers the child's profile and his or her needs, checks your eligibility according to the South Australian *Adoption Regulations, 2004* and the suitability of the match against the Home Study and other file documents and makes a decision regarding formal allocation
- You will be contacted by your allocated worker to confirm your current circumstances
- You will meet with your allocated worker to discuss the proposed allocation, including any particular or special needs the child may have
- You will be given time to consider the proposed child, seek any further information you may need and make a considered decision about accepting the allocation or not
- If the allocation of the child has been approved and accepted by you, AFIS will advise the overseas adoption authority.

2. Arranging Placement

Overseas

- 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 prior to the issue of a Visa and passport for the child
- The child is prepared for meeting you and coming to Australia

In South Australia

- You complete documents required by the Department of Immigration and Multicultural and Indigenous Affairs
- AFIS liaises with the overseas country to receive updates of other processes required, e.g. allocation documents, medicals, visa status, Court dates etc.
- You prepare yourselves to be able to meet the child's needs for his or her transition into your family
- You complete all pre-departure requirements including formal confirmation of your family circumstances.

Overseas and in South Australia

- Once notification is received from the overseas country that all processes have been completed to release the child to Australia, you will be advised about this
- AFIS will assist you with information and appointments regarding your travel
- Once processes are completed, you are both required to travel to the child's country to collect the child completing any formal requirements in that country.

3. Placement

Please advise AFIS when you arrive home.

During this period, you and your child adjust to being a family together.

- The Department is the legal guardian for the child (in most cases, except China and some Hague Convention countries)
- You will receive a package of information which will contain documents and letters that you will need
- The child's progress is monitored and four reports prepared for the former guardians of the child in the overseas country. A copy of each report will be forwarded to you.

FEES:

\$2600 first time applicants, \$2500 subsequent applicants

Other fees may include: Overseas country fees, immigration fees, travel and accommodation costs or incidentals



STAGE 5

ADOPTION ORDER AND BEYOND

Adoption Order (The following applies where the adoption order has not been finalised overseas)
After the third progress report has been completed you will be sent the forms which are required for you to make an application to Court to adopt the child.

Once these forms have been returned to AFIS your documents are forwarded to the Crown Solicitor for preparation for lodgement at Court. You will be notified when your application has been lodged in Court. You can then make a date with the Court for a hearing of your adoption application. You will be informed of the relevant fee at the time.

After the adoption order is made the child is legally your son or daughter.

Adoption is a life long process. The following points are relevant for the future of you and your child:

1. Birth Certificate

If an adoption order has been made in the SA Youth Court, a SA Birth Registration is recorded at the Registry of Births, Deaths & Marriages; a copy of this can be applied for some weeks after the making of the adoption order.

2. Citizenship

The child automatically becomes an Australian citizen once he or she is adopted. A copy of the child's citizenship certificate must be applied for at the Department of Immigration and Multicultural Affairs, and provided to the adoption authority in the child's country of origin.

3. Reporting to the overseas country, according to the requirements of the overseas country

Many countries require ongoing reporting about the child's progress until the child legally becomes an adult. This assists in maintaining the links between your child and his or her country. If families do not do this, it is likely to disrupt future adoptions from that country.

4. Overseas Country requirements eg. Thai registration, Korean citizenship termination etc.

Particular countries may have additional administrative steps to complete the adoption process in that country.

5. Certificate of Conformity for Hague Countries

If you have adopted from a Hague Country, AFIS will issue a certificate of conformity and provide you with a copy for your family's records.

6. Involvement in Intercountry Adoption Parent Groups

Many children and their families find it helpful and enjoyable to meet with other inter country adoptive families.

7. Contact / Communication with child's previous carers, relatives, siblings

It is important for your child's future to foster and maintain connections between your child, significant others, people in their birth families and their earlier life.

8. Issues adoptive families may face

Families experience difficulties from time to time. For adoptive families there are different issues that may arise. Should you feel that support or professional assistance might be of value, please do not hesitate to seek this out. AFIS can assist with resource and referral information

9. Post Adoption issues re searching, making contact with country or birth family in the future

It is very important for your child's and the family's well being to understand about the child's background, culture and country of origin. Many adopted people wish to reconnect with their birth family and country, as they grow older. Sometimes this can be very difficult or impossible and raises many issues.

10. File storage/archiving/future access to file

Adoption files are archived permanently. Future access to documents obtained during the course of your adoption application is governed by the Freedom Of Information Act and the Adoption Act, 1988.

STAGE 5

ADOPTION ORDER AND BEYOND

You, your child, and your child's birth parents and certain other eligible relatives and descendants, may apply for access to certain information from the adoption file.

