

# POLICY

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**Title:** Open Adoption  
**Policy No:** CPD622-2

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## Policy Statement:

The Department of Communities, Child Safety and Disability Services will support open adoption, which allows a child and his or her adoptive parents and birth parents to know each other and the circumstances of the adoption, exchange identifying information and have contact with one another, to the extent that all parties agree.

## Principles:

- The wellbeing and best interests of an adopted child, both through childhood and the rest of his or her life, are paramount considerations in all adoption matters.
- Open adoption recognises positive adoption outcomes are more likely when adopted children are able to incorporate knowledge of their birth and adoption into a positive self image.
- Adoptive parents are the adopted child's legal parents and have full responsibility for the child's upbringing, decisions that impact on their wellbeing and for determining the best interests of their child.
- Open adoption will be considered for a child requiring adoption, when it can support the adopted child's wellbeing and best interests and is desired by all parties to an adoption.

## Objectives:

This policy aims to support sustainable and positive communication when it is in the interests of the adopted child and is mutually desired by adoptive parents and birth parents, through the:

- preparation of adoption plans
- exchange of non-identifying information through participation in the mailbox service and
- exchange of identifying information as allowed under part 11 of the *Adoption Act 2009*.

## Scope:

The *Adoption Act 2009* facilitates open adoption by making provision for:

- prospective adoptive parents and birth parents to negotiate an open adoption plan at the time a child is adopted and for Adoption and Specialist Support Services to provide identifying information to each party about the other party at the time the adoption order is made and

- Adoption and Specialist Support Services to contact a party to an adoption, on behalf of another party, to discuss their interest in exchanging identifying information before the adopted child is 18, to provide identifying information with the parties' written agreement and assist with negotiating an adoption plan, if requested.

Open adoption does not confer entitlements to birth parents, or limit the responsibility of adoptive parents as the legal and only guardians of an adopted child responsible for their upbringing.

Open adoption does not refer to practices supporting the exchange of identifying information when the adopted person is an adult.

Identifying information may be exchanged as part of open adoption arrangements only if the department has considered the child's views, where the child is able to form and express views and if satisfied giving the information would support the adopted child's wellbeing and best interests and if the child's adopted parents and birth parents have agreed to the exchange of information proposed.

### **Roles and Responsibilities:**

Adoption and Specialist Support Services will:

- provide information to both birth parents and suitable adoptive parents about open adoption arrangements and record any preference
- facilitate the development of adoption plans between birth parents and prospective adoptive parents
- require adoption plans when the birth parents and prospective adoptive parents wish there to be in-person contact, when the child to be adopted is or has been subject to a child protection order or when the child to be adopted is an Aboriginal or Torres Strait Islander child and the prospective adoptive parents are not from the child's community or language group
- facilitate requests for identifying information when the adopted person is still a child, including approaching other parties to seek consent to the release of identifying information when it may be considered in the adopted child's wellbeing and best interest
- consider a child's views, where the child is able to form and express views and consider whether giving identifying information to a child's birth parent would support the adopted child's wellbeing and best interests before giving information in compliance with a request under part 11 of the *Adoption Act 2009* and
- facilitate the exchange of correspondence via the mailbox service.

A child requiring adoption or an adopted child may:

- be party to an adoption plan, if considered appropriate by Adoption and Specialist Support Services and having regard to all the circumstances of the proposed adoption including the child's age and maturity
- exchange identifying information as part of an agreed adoption plan, to the extent it is considered in their ongoing interests as determined by their adoptive parents and if identifying information has been released to parties under part 11 of the Act

- participate in the mailbox service\* with the consent of their adoptive parents and
- request to receive or exchange identifying information from their birth parent/s, through Adoption and Specialist Support Services, and receive identifying information to the extent consented by their birth parent/s if identifying information has been released to parties under part 11 of the Act and with the consent of their adoptive parent.

Adoptive parent/s are responsible for determining the interests and wellbeing for their adopted child and may:

- identify whether they are willing to consider negotiating an adoption plan with a birth parent/s that includes open adoption arrangements
- exchange identifying information as part of an agreed adoption plan, if identifying information has been released to parties under part 11 of the Act, to the extent they consider the exchange to be in the ongoing interests of their child
- participate in the mailbox service\* to the extent they consider participation to be in the ongoing interests of their adopted child and
- request to receive or exchange identifying information, if identifying information has been released to parties under part 11 of the Act, through Adoption and Specialist Support Services, to the extent consented to by the birth parent.

Birth Parent/s may:

- request an open adoption arrangement for a child for whom they have given consent to be adopted
- request Adoption and Specialist Support Services to assist in developing an adoption plan with the prospective adoptive parents or adopted parents
- exchange identifying information as part of an agreed adoption plan, if identifying information has been released to parties under part 11 of the Act, to the extent considered in the adopted child's ongoing interests as determined by their adoptive parents
- participate in the mailbox service\* and
- request to receive or exchange identifying information, if identifying information has been released to parties under part 11 of the Act, with their adopted child, through Adoption and Specialist Support Services, and receive identifying information to the extent consented to by the adoptive parents.

\*Participation in the mailbox services may include exchange of correspondence between both parties to an adoption but does not require both parties to the adoption to accept or exchange information. Information can be submitted and kept on file should a party/ies wish to participate in the future.

### **Authority:**

*Adoption Act 2009* Section 164, 166, 169, 258 and 259

**Delegations:**

**Adoption and Specialist Support Services**

Executive Director, Operations

Director, Child Safety Specialist Support

Manager, Adoption and Specialist Support Services

Team Leader, Adoption and Specialist Support Services

Senior Adoption Officer, Adoption and Specialist Support Services

Adoption Officer, Adoption and Specialist Support Services

**Child Safety Services – (sections 164, 169 only - facilitating an adoption plan)**

Regional Executive Director

Regional Director, Child Safety

Manager, Child Safety Service Centre

Senior Practitioner, Child Safety Service Centre

Team Leader, Child Safety Service Centre

Child Safety Officer, Child Safety Service Centre

Early Childhood Program Coordinator

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**Office:** Communities, Child Safety and Disability Services  
**Help Contact:** Child Protection Development

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**Links:**

Adoption Practice Manual

**Related Adoption policies:**

The wellbeing and best interest of the child in adoption (626)

Supporting a child to participate in adoption processes (624)

**Rescinded policies:**

2.7 CHS-16721 Open Adoption

622-1 Open adoption

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Margaret Allison

Director-General