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Australian Institute of
Health and Welfare



Adoptions Australia

2019-20



Adoptions Australia

2019-20



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Summary

Adoption numbers continue upward trend



Adoption numbers in Australia declined 50% over the past 25 years—from 668 in 1995–96 to 334 in 2019–20. However, since the low for the period of 278 adoptions in 2015–16, there has been a rise of 20%. This increase is due to a 65% increase in known child adoptions from 2015–16 to 2019–20, which can be attributed to a higher number of adoptions by known carers, such as foster parents, in New South Wales.

Known child adoption made up three-quarters of all adoptions



While other types of adoption have declined, 'known child' adoption—where the child is already known to the adoptive parent(s)—increased over the past decade from 124 in 2010–11 to 249 in 2019–20. These adoptions comprised 75% of all finalised adoptions in 2019–20, with adoption by carers, such as foster parents, the most common (69% of all known child adoption).

Local and intercountry adoptees were younger than known child adoptees



Adoption of Australian children not known to their adoptive parent(s) are called 'local' adoptions. In 2019–20, 48 local adoptions were finalised, representing 14% of all adoptions. A further 37 adoptions of children from countries with which Australia had an official adoption program, referred to in this report as 'intercountry' adoptions, were also finalised.



Nearly all (98%) of local adoptees and 67% of intercountry adoptees were aged under 5. By comparison, just over 1 in 5 known child adoptees (22%) were aged under 5.

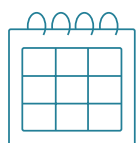
Three-quarters of adoptions of Indigenous children were by adoptive parents who already knew the child



In 2019–20, 12 Indigenous children were adopted—9 Indigenous children were adopted through known child adoption and 3 through local adoption. This was the highest number of finalised adoptions of Indigenous children in the last 25 years (equal to the number recorded in 2018–19).

Over the 25-year period from 1995–96 to 2019–20, a total of 126 Indigenous children were adopted: 2 in 5 (39%) were adopted by Indigenous Australians and nearly 3 in 5 (57%) through known child adoptions.

Intercountry adoptions took just under 3 years to process



Between 2007–08 and 2014–15, the median length of time from when an adoptive parent became an official client of an Australian state or territory department responsible for adoption to when a child was placed for adoption increased. It peaked at 5 years and 4 months in 2014–15 but, since 2016–17, has been less than 3 years. The median time in 2019–20 was 2 years and 9 months.

The median length of time from when applicants became official clients of the department to when a child was placed with them varied considerably across countries. For example, placements from South Korea had a median time of 26 months, while the median time was just under 4 years (46 months) for Thailand.

Nearly all intercountry adoptions were from Asian countries



In 2019–20, 97% of finalised intercountry adoptions were for adoptees from Asian countries.

The most common countries of origin were Taiwan, comprising just over two-fifths (43%) of all intercountry adoptions, followed by South Korea (22%).

The main country of origin for intercountry adoption has changed over time. Between 2006–07 and 2010–11, it was either China or the Philippines; from 2011–12 to 2019–20, it shifted between South Korea, Taiwan and the Philippines.

Twelve months after entering Australia, the proportion of intercountry adoption placements with moderate to substantial additional care needs decreased



Level of need of intercountry adoptees refers to the level of resources or support services required by the adopted child and/or their adoptive family to foster healthy development and wellbeing, support positive family functioning and prevent adoption disruption. Level of need is a continuum from 'no additional care needs' compared with an average Australian family with non-adopted children to 'moderate to substantial additional care needs'.

At the time when an adoptee was matched with their prospective adoptive parents, 44% of the intercountry adoption placements that occurred in 2018–19 were considered to have 'moderate to substantial additional care needs'. Twelve months after the adoptees had entered Australia, this proportion decreased to 22%, with 47% considered to involve 'minor additional care needs' by this point in time.

30 years of adoptions reporting at the AIHW

For the past three decades, the AIHW's *Adoptions Australia* reports have been the authoritative source of national adoptions data for Australia, providing valuable insights on domestic and intercountry adoptions.

The AIHW works with Commonwealth and state and territory adoption authorities to manage and improve the Adoptions Australia data collection so that it can inform policymakers, service providers, researchers and the public.

Long-term adoption trends in Australia

The long history of the Adoptions Australia data collection allows for trend analyses over extended periods, helping chronicle the impact of changes in adoption policy and practice. For example:

- The overall number of finalised adoptions in Australia has declined 50% over the past 25 years.
- Known child adoptions, including adoptions by carers such as foster parents, have increased—2019–20 had the highest number of such adoptions in the past 20 years.

♦ Key milestones ♦

Year	Milestone for national adoptions data and reporting
1990–91	Adoptions data provided to AIHW by state and territory community services departments for the first time.
1992–93	AIHW releases the first Adoptions Australia report (<i>Adoptions Australia 1990–91</i>).
1994–95	National data on step-parent adoptions are added to the Adoptions Australia data collection in 1994–95.
1998–99	The Hague Convention on Protection of Children and Cooperating in Respect of Intercountry Adoptions (Hague Convention) enters into force in Australia on 1 December 1998—national data changes to include more detailed data on intercountry adoptions.
2000–01	National adoptions data collection used as part of Australia's reporting obligations under the Hague Convention from 2000–01.
2003–04	After reviewing <i>Adoptions Australia 2003–04</i> , the House of Representatives Standing Committee on Family and Human Services resolves in 2005 to conduct an inquiry into the adoption of children from overseas.
2008–09	Adoptions Australia reporting contributes to the development of the Harmonisation Working group and 2009 reforms to intercountry adoption.
2011–12	<i>Adoptions Australia 2011–12</i> includes information on the processing times for intercountry adoption for the first time, improving visibility of adoptive parents' experiences of the adoption process.
2015–16	Children's Commissioners write to the Australian Prime Minister in 2014 to express concerns around expatriate adoption practices prompting the addition of expanded expatriate adoptions data in the Adoptions Australia data collection in 2015–16 to support the government response.
2016–17	National data on adoptions by carers, such as foster carers, is expanded in 2016–17 to provide additional information on state and territory approaches to permanency of placement for children in out-of-home care.
2017–18	<i>Adoptions Australia 2017–18</i> includes national data on 'special needs' among intercountry adoptees for the first time, supporting public discourse around the characteristics of children in need of intercountry adoption.
2018–19	The Adoptions Australia data collection is used to support the 2018 Parliamentary Inquiry into local adoptions.
2019–20	<i>Adoptions Australia 2019–20</i> includes a national estimate of the number of intercountry adoptees adopted since 1979–80, increasing visibility of the number of adult adoptees to support the delivery of post-adoption support services.

1 Introduction

Adoption is a legal process involving the transfer of the rights and responsibilities for the permanent care of a child from the child's parent(s) to their adoptive parent(s). When an adoption order is granted, the legal relationship between the child and their parent(s) is severed. Any legal rights that existed from birth regarding the parent(s), such as inheritance, are removed.

For the adoptive parent(s), the legal rights of the adopted child become the same as they would be if the child had been born to the adoptive parent(s). A new birth certificate might be issued for the child, recording the name(s) of the adoptive parent(s) as the legal parent(s), and, if relevant, a new name for the child.

Adoption in Australia aims to provide a nurturing, safe and permanent family for children and young people. Adoption is seen as a service for the child or young person, and decisions about an adoption are to be made with their best interests—both in childhood and later life—as the primary consideration.

To help inform adoption policy and practice in Australia, the Australian Institute of Health and Welfare (AIHW) releases an annual report documenting trends in the use of adoption to meet the needs of children and young people.

1.1 Adoptions in Australia

Patterns of adoption in Australia have changed over time. These changes are due to a complex interplay of economic, political and sociocultural factors, including, among others:

- the availability of financial support for single mothers
- a reduction in stigma around children born outside marriage
- the end of forced adoption practices
- improved child protection systems and the use of long-term legal orders that transfer parental responsibility
- the increasing labour force participation of women
- contraception and legalised abortion
- reproductive innovations (Carmichael 2014; Constantinidis & Cook 2012; Higgins 2012; Higgins et al. 2014; Mills et al. 2011).

These factors have reduced the number of Australian children considered to be in need of adoption, while also changing perceptions of adoption and when it is in the best interests of a child or young person.

Likewise, similar economic, political and sociocultural factors overseas, along with international conventions—such as the Hague Convention on Protection of Children and Co operation in Respect of Intercountry Adoption (Hague Convention) and the United Nations Convention on the Rights of the Child (UN Convention)—have influenced intercountry adoption patterns (United Nations General Assembly 1989). Changes have supported children remaining either with their families or within their country of origin, leading to fewer children, particularly infants, in need of intercountry adoption.

The secrecy associated with past adoption practices in Australia has largely given way to a system characterised by open exchange of information between parties to an adoption and by a focus on the needs of the child.

Research has recognised that age-appropriate discussions with adopted children about adoption-related issues benefit the child's adjustment (Brodzinsky 2014; Child Welfare Information Gateway 2013; Passmore et al. 2009; Siegel & Livingston Smith 2012). As well, recent research into contact relationships and adoption plans has shown that communicative openness, in relation to family history or adoption circumstances, is associated with healthy identity formation and a child's sense of belonging (Luu, de Rosnay et al. 2018; Luu et al. 2019). Access to, and information exchange about, an adopted child by parties to the adoption (referred to in this report as an 'open' adoption) are supported in all states and territories, but the degree to which this occurs varies across jurisdictions (see Appendix A Section A2).

1.2 Recent developments

Carer adoptions

A relatively recent change to the pattern of adoption in Australia is evident in the rising rate of adoptions by carers who had a pre-existing relationship with an adoptee before the adoption, such as foster parents—generally referred to in this report as 'carer (known child) adoption'. Predicated on the desire to provide permanency of placement for children in out of home and foster care environments (Fernandez 2014), since 2012–13, this category of adoption has made up a growing proportion of all adoptions in Australia (see Section 3.4).

This growth has been underpinned by various legislative changes to adoption by carers in the different jurisdictions. Amendments made in 2012 to the *Adoption Act 1994* in Western Australia strengthened the carer adoption process, and reintroduced relative adoption as a legislative option to secure long-term permanent care for children. Under the amendments, where the court is satisfied that the child's adoption would be preferable to other available options, adoption of children and young people in out-of-home care can occur where carers or relatives meet eligibility requirements, and have cared for the child for at least 2 years.

In April 2014, the New South Wales Parliament enacted the *Child Protection Legislation Amendment Act 2014*. The amendments established a new hierarchy for child permanency planning, placing adoption as the highest preference (except in the case of an Aboriginal or Torres Strait Islander child or young person) when reunification with parent(s)—or guardianship with family, kin or other suitable person—is not practical (Ainsworth & Hansen 2016). Further amendments were made by the New South Wales Parliament to the *Children and Young Persons (Care and Protection) Act 1998* and the *Adoption Act 2000* which commenced on 4 February 2019. These amendments made further provisions for the care and protection of, and the provision of services to, children and young people. To reduce the likelihood of a child experiencing numerous out-of-home care placements, under these provisions, if the Children's Court approves a permanency plan involving restoration, guardianship or adoption, the maximum period an order can be made allocating parental responsibility to the Minister is 24 months.

Lack of placement stability has been linked to negative outcomes, including poorer mental health, lower educational attainment and vulnerability to further abuse and violence (AIHW 2017).

The *Adoption Legislation Amendment (Integrated Birth Certificates) Act 2020* amended the *Adoption Act 2000* and the *Births, Deaths and Marriages Registration Act 1995* to enable an Integrated Birth Certificate to be issued to adopted persons in New South Wales from

16 November 2020. This change was introduced to better manage identity, identification and recognition of family for adopted persons, and enhances modern open adoption practice in New South Wales.

Australian jurisdictions differ in the extent to which they use adoption as a measure to improve permanency and stability for children in out-of-home care. Some jurisdictions have focused instead on improving stability and permanency for these children through long-term care and protection orders that transfer guardianship and custody of a child to a third party, often until the child turns 18 (see Section 4.3). For example, Victoria introduced permanent care orders that grant permanent parental responsibility to the exclusion of all others to a third party in 1992.

Governance and support for intercountry adoptions

In 2016, the Department of Social Services (DSS) established the Intercountry Adoption Australia service as a central point of contact for information on intercountry adoption, including through a national website (<https://www.intercountryadoption.gov.au/>), an email enquiry service and a phone line (1800 197 760). The service provides information on the intercountry adoption process and partner countries with which Australia works to facilitate intercountry adoptions, as well as access to state and territory government information and links to support services.

The DSS also funds the Intercountry Adoption Family Support Service (ICAFSS), which operates as a free, independent nationwide service available to young and adult adoptees, their families and prospective adoptive parents. The service provides information, counselling, and support services to assist with various challenges that are unique to the intercountry adoption experience.

In April 2019, the Attorney General's Department transferred the Australian Central Authority function to the DSS. The DSS is responsible for enabling the performance of Australia's responsibilities under the Hague Convention, including that intercountry adoption occurs in the best interests of the child. The DSS also manages Australia's intercountry adoption country programs (see Section 2.2).

State and territory central authorities remain responsible for adoption legislation. This means they manage adoption applications and assess the eligibility and suitability of those seeking to adopt children from overseas (IAA 2020a).

Children with special needs in intercountry adoption

Adoption of children with special needs is an area of growing importance in the Australian intercountry adoption context. Historically, there has been limited information at the national level about the adoption of children with special needs. Following national reviews of Australian adoption practice (PM&C 2014), the AIHW collaborated with state, territory and Australian Government agencies to develop national definitions, and to improve the availability of data on the adoption of children with special needs.

Starting in 2018–19, the *Adoptions Australia* report series includes data on the level of need of intercountry adoptees. Level of need refers to the level of resources or support services required by the adopted child and/or their adoptive family to foster healthy development and wellbeing, to support positive family functioning, and to prevent adoption disruption (a continuum from 'no additional care needs' compared with an average Australian family with non-adopted children to 'moderate to substantial additional care needs'). These data, alongside data on adoptions of older children and sibling groups, help to provide insights into contemporary trends in the characteristics of children in need of intercountry adoption.

National estimate of adult intercountry adoptees

Starting in 2019–20, the *Adoptions Australia* report series includes a national estimate of the number of intercountry adoptees adopted since 1979–80.

These data aim to assist in post-adoption support services, such as the ICAFSS, in recognition of the wide ranging impacts of adoption on adoptees across their lifetime.

Simple adoption

Providing permanent care options for children who are unable to live with their families is an important issue of national significance. Adoption currently represents 1 of 3 legal frameworks in Australia through which governments can provide care for such children (Blythe & Gribble 2019).

The form of adoption practised in Australia is referred to as ‘plenary open adoption’. Under these adoption practices, the legal relationship between the child and their parent(s) is ended in order to create a new legal relationship with the adoptive family. While an open exchange of information between parties to an adoption is supported in all states and territories, plenary adoption has been criticised for its connection to past forced adoption practices in Australia and the enduring legal effects of legal severance of the child’s connections to their natural parents and extended family—with these effects sustained not only throughout the adoptee’s lifetime but also beyond into any subsequent generations (House of Representatives 2018).

Highlighted throughout the House of Representatives inquiry into local adoption in its 2018 report—*Breaking barriers: a national adoption framework for Australian children*—and again by the Hon. Michelle Landry MP at the launch of the *Belonging in two families* report in November 2019 (DSS 2020a), there is growing interest in Australia around an alternative approach to adoption known as ‘simple adoption’.

Simple adoption is an additive form of adoption that allows children to remain legally part of their family of origin when they are adopted, while also forming a new legal relationship with the adoptive family and assigning parental rights to the adoptive parent(s).

Although not currently a practice in Australia, simple adoptions are provided for by legislation in Belgium, Ethiopia, France, Mexico and Thailand (House of Representatives 2018). Simple adoption allows adoptive parents to be granted ongoing parental responsibility and authority for a child, who becomes a full legal member of the adoptive family, allowing for an enduring legally recognised relationship after they turn 18; however, the birth parents retain their filial position as parents, and the extended birth family remains legally related to the child also, potentially strengthening the benefits of existing open adoption practices. For this reason, advocates for simple adoption consider it may be an improvement on plenary adoption (Blythe & Gribble 2019).

Impact of coronavirus disease 2019 (COVID-19)

In light of the unprecedented impact of the coronavirus disease 2019 (COVID-19) global pandemic, Australian, state and territory governments recognised the need to reprioritise national efforts and resources in responding to the major emergency unfolding across Australia.

Measures put in place as part of government responses to COVID-19 in the first half of 2020 (including travel bans/restrictions, limitations on non-urgent face-to-face work and resource reallocations) affected domestic and intercountry adoption processes during 2019–20. Where specific impacts on data have been identified, these are described in text and noted in table footnotes.

The impact of COVID-19 may continue to be apparent in adoptions data in future years.

1.3 Data sources and processes

The AIHW Adoptions Australia data collection is the authoritative source of national adoptions data for Australia. This report presents data extracted from the administrative systems of each state and territory department responsible for adoption, according to definitions and technical specifications agreed by the jurisdictions and the AIHW.

Data on adoption visas issued in 2019–20, including for children adopted by expatriate Australians, are provided by the Department of Home Affairs.

It should also be noted that, due to the size of the target population of this collection, some analyses contain small counts. Where published in this report, these data have been cleared for release by the state and territory departments responsible for adoption and, in some instances, reflect data that are publicly available elsewhere at the same level of disaggregation. In 2019–20, the Tasmanian Department of Communities requested that counts lower than 5 not be separately identifiable for Tasmania in national reporting on adoptions. This request was consistent with the position of the department to suppress similarly low counts in other national reports based on community services data. To accommodate this request, data from Tasmania, the Australian Capital Territory and the Northern Territory have been combined in tables that present data by state and territory. In some instances, the reported combined count will include 'null' or 'zero' counts from 1 or more of these jurisdictions.

Definitions can be found in the Glossary. Further information on the data contained in this collection can be found in the data quality statement available at:
<https://meteor.aihw.gov.au/content/index.phtml/itemId/740629>.

1.4 Report structure

This report has 4 chapters:

- This chapter, Chapter 1, provides an introduction to adoption.
- Chapter 2 provides an overview of adoption processes in Australia.
- Chapter 3 presents detailed data on adoptions in 2019–20.
- Chapter 4 presents trends in adoptions in Australia, including alternatives to adoption.

Additional information, including detailed statistical tables, as well as appendix documents containing summaries of state and territory adoption legislation and a list of the countries party to the Hague Convention, can be downloaded from:

www.aihw.gov.au/reports/adoptions/adoptions-australia-2019-20/.

2 Adoptions in Australia

The words used to describe those involved in an adoption carry sensitivities for all parties to the adoption. Both birth and adoptive parents can appropriately be referred to as 'parents'. In this report, the terms 'mother', 'father' or 'parent' are used to describe a child's biological parents. 'Birth mother', 'birth father' and 'birth parent' are considered less appropriate terminology, but, where required for clarity, these terms are also used in this report to refer to the biological parents (Higgins et al. 2016). The terms 'adoptive mother', 'adoptive father' or 'adoptive parent' are used to describe parents who have adopted a child. The children who have been the subject of an adoption order are referred to as 'adopted children' or 'adoptees'.

2.1 Categories of adoption

There are 3 categories of adoption in the AIHW Adoptions Australia data collection:

- **Intercountry adoptions** are adoptions of children from countries other than Australia who are legally able to be placed for adoption (Section 2.2), but generally have had no previous contact or relationship with the adoptive parent(s). Intercountry adoptions include adoptions that occurred through 1 of Australia's official adoption programs with a partner country. These adoptions are referred to in this report as either 'Hague' or 'bilateral' adoptions, depending on the arrangement established between Australia and the partner country.
- **Local adoptions** are adoptions of children born or permanently living in Australia before the adoption, who are legally able to be placed for adoption, but generally have had no previous contact or relationship with the adoptive parent(s).
- **Known child adoptions** are adoptions of children born or permanently living in Australia before the adoption, who have a pre-existing relationship with the adoptive parent(s), and are generally not able to be adopted by anyone other than the adoptive parent(s). Known child adoptions include adoptions by step-parents, other relatives and carers.

Other types of adoptions that are not included in the AIHW Adoptions Australia data collection are outlined in Box 2.1.

Box 2.1: Adoptions not included in national counts

Adoptions by relatives or other known carers of children from countries other than Australia, termed 'known child intercountry adoptions', are not included in counts of intercountry adoption presented in this report.

Further, adoptions by Australian citizens or permanent residents living abroad for 12 months or more that occur through an overseas agency or government authority are also excluded from the counts of intercountry adoption. These adoptions are referred to in this report as expatriate adoptions. Australian adoption authorities are not responsible for facilitating expatriate adoptions, and do not assess or approve applicants for such adoptions. Available data on expatriate adoptions are obtained from visa applications, and are reported separately in Section 3.2.

2.2 Adoption legislation and processes

A child can legally be adopted if all the necessary consents to the child's adoption have been obtained or dispensed with. Dispensation refers to the legal process in which a court declares that the consent of a parent or guardian is not required to proceed with an adoption. Dispensing with consent is a difficult, complex and sensitive process that is highly dependent on the individual circumstances of each case. Consent dispensation legislation is set by individual states and territories, occurs under strict conditions and must be in the best interests of the child.

People wishing to adopt a child must satisfy the government department or agency concerned that they will be suitable parents. Factors that might be considered in assessing the suitability of potential parents include their parenting capacity, age, health, reasons for wanting to adopt, marital status and the stability of their relationship. Eligibility requirements to adopt a child vary between jurisdictions (see Appendix A, Section A1), as do eligibility requirements set by countries of origin for intercountry adoptions (IAA 2020b).

Intercountry adoptions

Legislation and responsibilities

The process for intercountry adoptions is strictly controlled:

- by each state and territory under the relevant state legislation
- by the Australian Government under the:
 - Commonwealth laws relevant to intercountry adoptions:
 - *Family Law Act 1975*
 - *Family Law (Hague Convention on Intercountry Adoption) Regulations 1998*
 - *Family Law (Bilateral Arrangements—Intercountry Adoption) Regulations 1998*
 - Commonwealth immigration laws relevant to intercountry adoptions:
 - *Australian Citizenship Act 2007*
 - *Immigration (Guardianship of Children) Act 1946*
 - *Migration Act 1958*
 - Migration Regulations 1994
- in accordance with the principles of the Hague Convention and the UN Convention (see Box 2.2).

Box 2.2: What is the Hague Convention?

The Hague Convention entered into force for Australia in December 1998. It establishes:

- standards and procedures between countries, including legally binding standards and safeguards
- a system of supervision to ensure that these standards and procedures are observed
- channels of communication between authorities in countries of origin and receiving countries for children being adopted
- principles that focus on the need for intercountry adoptions to occur only where it is in the best interests of the child and with respect for their fundamental rights, and to prevent the abduction, sale, or trafficking of children.

Appendix B provides a list of countries that were party to the Hague Convention during 2018–19.

The DSS, as the Australian Central Authority under the Hague Convention, is responsible for enabling the performance of Australia's responsibilities under the Hague Convention, building strong relationships with overseas countries and providing national policy leadership on international adoption practices.

State and territory central authorities also undertake responsibilities for intercountry adoption, including assessment of applications, preparation and support of families through the intercountry adoption process, provision of advice and assistance to families regarding specific overseas countries, monitoring individual applications, and support and supervision of families after the placement of adopted children (DSS 2020b).

Process

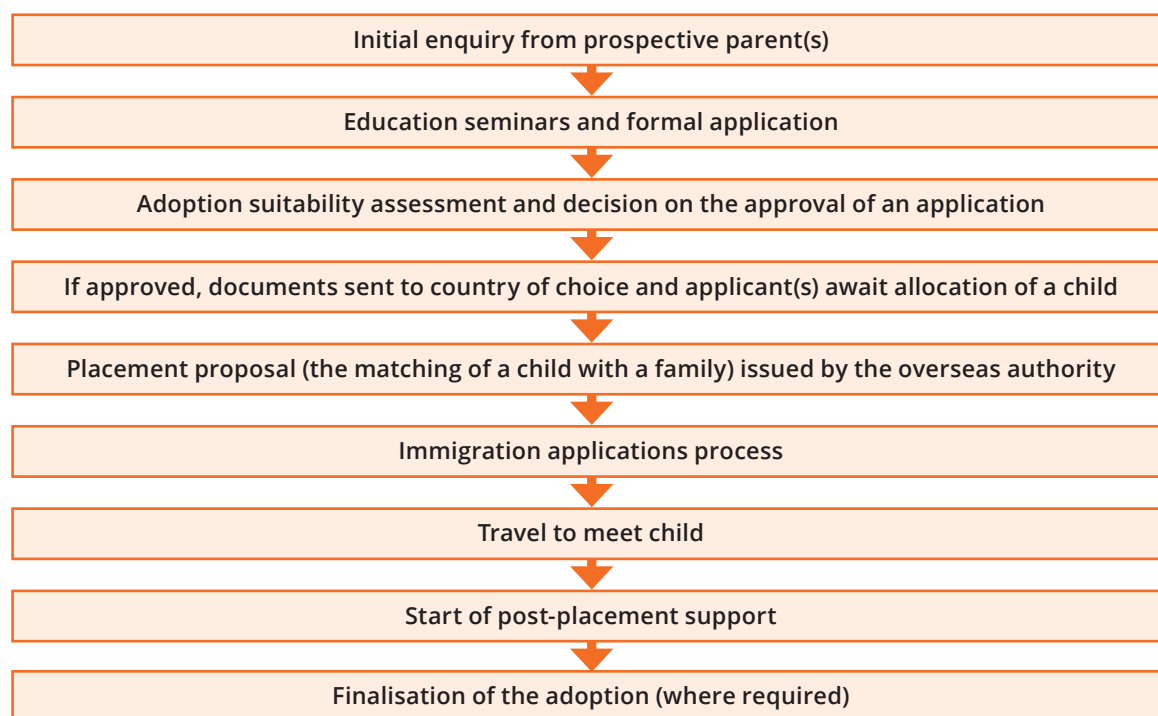
Although each state and territory has its own legislation for intercountry adoptions, the general process is similar across the jurisdictions (Figure 2.1). The DSS and the state and territory central authorities work together to ensure that all of Australia's adoption programs meet the standards of the Hague Convention, regardless of whether partner countries are signatories.

As well as the requirements set by Australian adoption authorities, each country of origin also sets out requirements for prospective adoptive parents wishing to adopt a child from that country. These requirements vary between countries and include, but are not limited to, the age of parents, marital status, current family structure and nationality or ethnic background.

Fees associated with intercountry adoption vary depending on the Australian state or territory and the country of origin of the child; they are subject to change, and are affected by various factors. Details on country programs, including eligibility and fees, are available from the Intercountry Adoption Australia website (IAA 2020b).

The duration of various stages of the intercountry adoption process, such as the period between when a partner country receives an application and when applicants are matched with a child, is influenced by several factors outside the control of Australian adoption authorities. These factors include the number and characteristics of children in need of intercountry adoption, the number of applications received by an overseas adoption authority and the resources available to that authority. Waiting times for intercountry adoptions vary between countries (see sections 3.2 and 4.1).

Figure 2.1: Process for intercountry adoptions



Note: Intercountry adoptions may be finalised in various ways, depending on the type of adoption—see this ‘Process’ section for more details. This diagram is a simplified overview of the intercountry adoption process. Processes might vary between jurisdictions.

An intercountry adoption may be finalised in various ways. In some cases, a full adoption order can be made in the child’s country of origin. This order is automatically recognised in Australia if the country is a party to the Hague Convention, and has issued an adoption compliance certificate.

Under changes made in 2014 to the Family Law (Bilateral Arrangements–Intercountry Adoption) Regulations 1998, full adoption orders in Taiwan and South Korea (countries with which Australia has bilateral arrangements) are also automatically recognised in Australia, if the relevant state or territory authority has agreed that the adoption could proceed.

Other adoptions from outside Australia might not be automatically recognised under Australian law. Where an adoption is not automatically recognised, the *Immigration (Guardian of Children) Act 1946* provides guardianship arrangements for the child. In these cases, the child will be under the guardianship of the Minister for Home Affairs once the child arrives in Australia (see Section 3.2).

This guardianship is usually delegated to the relevant state or territory central authority.

The Minister’s delegated guardianship remains valid until the child turns 18, leaves Australia permanently, becomes an Australian citizen or, as happens in most cases, the adoption order is finalised by an Australian authority.

Australia’s intercountry adoption programs

In mid-2019, Australia had active intercountry adoption programs with 13 countries—Bulgaria, Chile, China, Colombia, Hong Kong, India, Latvia, Poland, South Africa, South Korea, Sri Lanka, Taiwan and Thailand (IAA 2020b).

Following the reactivating of Australia’s adoption program with India, Queensland and the Northern Territory began assessing a small number of prospective adoptive parents, and providing files to the Indian central authority for consideration in April 2019 (IAA 2020b). No adoptions under this reactivated arrangement had been finalised by 30 June 2020.

In late 2018, the Philippines Government advised that the Australian adoption program with the Philippines would be placed on hold and no new applications for adoption would be accepted from Australian adoption authorities (IAA 2020b). Adoptions from the Philippines that appear in this report relate to child placements that occurred before the hold came into effect and that were subsequently finalised in 2019–20.

Not all of the countries with which Australia has an official adoption program are parties to the Hague Convention. Regardless of whether the convention is in force in a country, adoption programs are established with countries only where Australia can be satisfied that the principles of the Hague Convention are being met. In this context, bilateral arrangements exist with South Korea and Taiwan. Both countries have not currently ratified the Hague Convention—South Korea signed the convention in May 2013, but it had not entered into force during 2019–20 (see Appendix B).

Before 2017–18, countries where the Hague Convention had not entered into force were referred to in national reporting as ‘non-Hague’, regardless of whether Australia had an official intercountry adoption program with the country. Since 2017–18, to distinguish between countries with which Australia had an adoption program under a bilateral agreement and other countries that were not parties to the Hague Convention, the term ‘bilateral adoption’ was introduced (see Glossary for definitions of the adoption categories).

Box 2.3 describes 2 types of other overseas adoptions—ad hoc requests and private adoptions—which are outside of Australia’s regular intercountry adoption processes.

Box 2.3: What are ad hoc requests and private adoptions?

Requests to adopt children from countries with which Australia does not have an existing intercountry adoption program are referred to as 'ad hoc requests'. The relevant state or territory central authority considers these on a case-by-case basis.

As a general principle, individual ad hoc requests for intercountry adoptions are likely to be considered only in exceptional circumstances, as they are not consistent with Australia's management of intercountry adoptions.

For example, an application may be considered where the prospective adoptive parent(s) have a genuine and profound understanding of, and connection with, the culture and circumstances of an overseas country that satisfies Hague Convention standards and requirements.

The relevant state or territory authority must have accepted an ad hoc request before the prospective adoptive parent(s) can formally apply for adoption, and be assessed for suitability to adopt. If the request is accepted, applicants will be subject to the normal intercountry adoption process applicable in their relevant state or territory. Data on finalised ad hoc adoptions are not included in this report.

State and territory central authorities do not support adoptions arranged through a privately contracted adoption agency, or those that do not go through a government's central authority. These are known as private adoptions. Adoptions to Australia must either be approved by a state or territory central authority or meet Australian immigration requirements for expatriate adoption (Department of Home Affairs 2020) (see Section 3.2).

Local adoptions

Legislation and responsibilities

Each state and territory has legislation governing local adoption practices (an outline of the legislation for each jurisdiction is provided in Appendix A, Section A1). The individual state or territory authority for adoption works to ensure that local adoption practices follow required regulations.

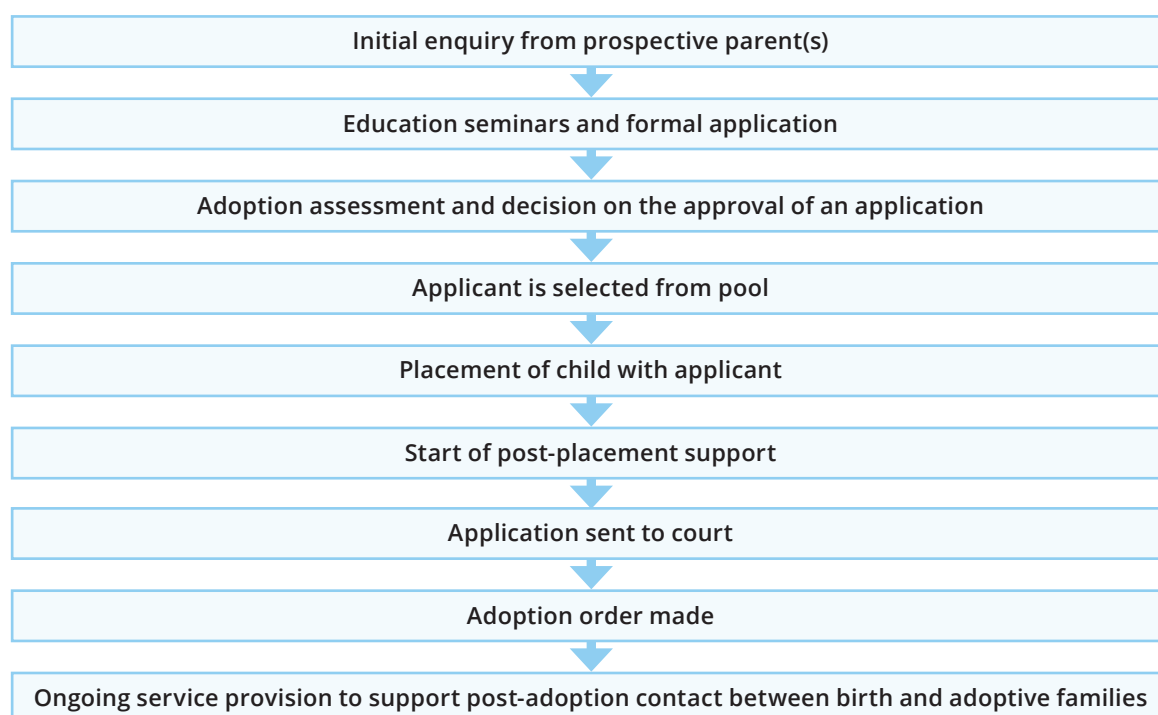
For local adoptions, in most cases, the responsible state or territory department will be the guardian of a child for whom general consents for adoption have been signed. For some approved non-government adoption agencies, the principal officer of the agency will be the guardian. The guardianship of a child remains in force until the adoption order is made, or consents for adoption are revoked, or until some other specified event occurs (such as when a suitable and willing relative is able to care for the child).

In the case of Indigenous children, jurisdictions have additional legislation or regulations that help determine whether an adoption should be considered over other arrangements, such as the use of an alternative legal order.

Process

Figure 2.2 shows the process involved in placing local children with prospective adoptive parent(s), although the precise order of the steps might vary slightly between jurisdictions.

Figure 2.2: Process for local adoptions



Note: This diagram is a simplified version of the local adoption process. The number and order of steps might vary between jurisdictions.

Known child adoptions

Legislation and responsibilities

Known child adoptions are administered and/or recorded by the department responsible for adoption in each state and territory. The aim of this type of adoption is to provide the child with an enduring clear legal position, status, and stability within the family arrangement.

The majority of known child adoptions are by step-parents adopting their partner's children, or by long-term carers of children placed in their care, such as foster parents. Adoptions by relatives are less common and generally discouraged because of the potential to confuse or distort biological relationships. For example, if a child was adopted by their grandmother, the child's parent would legally become the child's sibling. Most states and territories have policies that promote the use of parental responsibility orders, rather than adoption when a child is to be permanently cared for by another relative, such as permanent care and guardianship/custody orders. However, in exceptional circumstances—that is, when a parental responsibility order would not adequately provide for the welfare of the child—legislation in most states and territories does allow adoption by relatives.

Known child adoptions by people who are not step-parents, carers or relatives, such as by commissioning (surrogate) parents, are uncommon in Australia. Where data are recorded by the department responsible for adoption in each state and territory, these adoptions are captured in this report under the 'Other' category in known child adoptions.

In some circumstances, known child adoptions might be finalised after the adoptee is legally considered an adult. The role of the department varies between jurisdictions when administering adult adoptions (see Appendix A, Section A1). As a result, not all such adoptions are captured in this report.

As is the case with local adoptions, jurisdictions have additional legislation or regulations that help determine whether an adoption should be considered to create permanent care arrangements for Indigenous children.

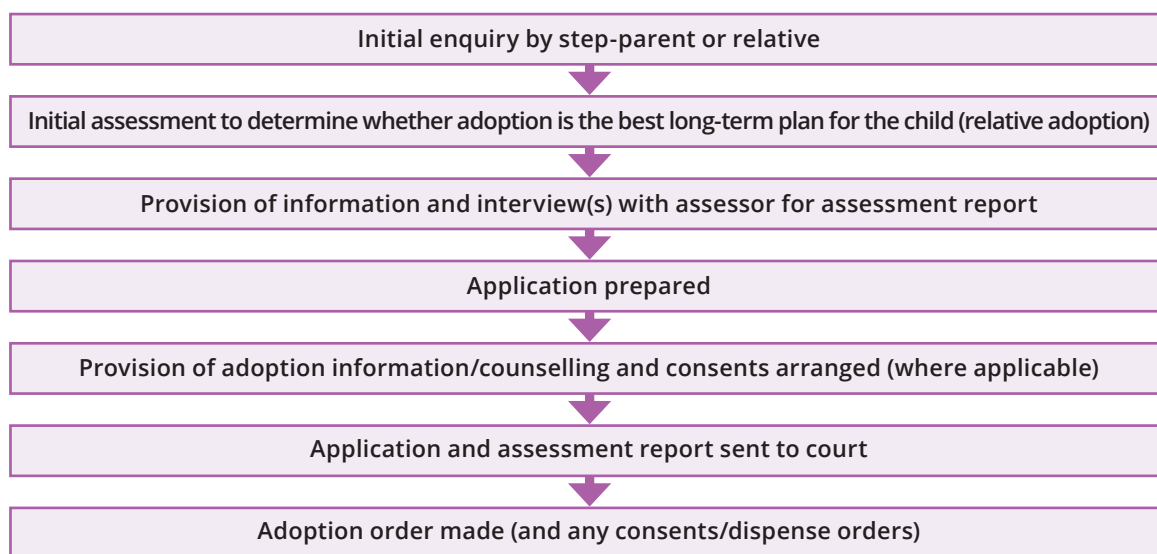
Process

Each state and territory has its own process for the adoption of known children.

Figure 2.3 broadly shows the process for adoptions by step-parents and relatives (intrafamilial adoptions). In some jurisdictions, the department responsible for adoption has limited involvement in this process, with prospective parents being responsible for preparing and lodging their own applications directly with the court.

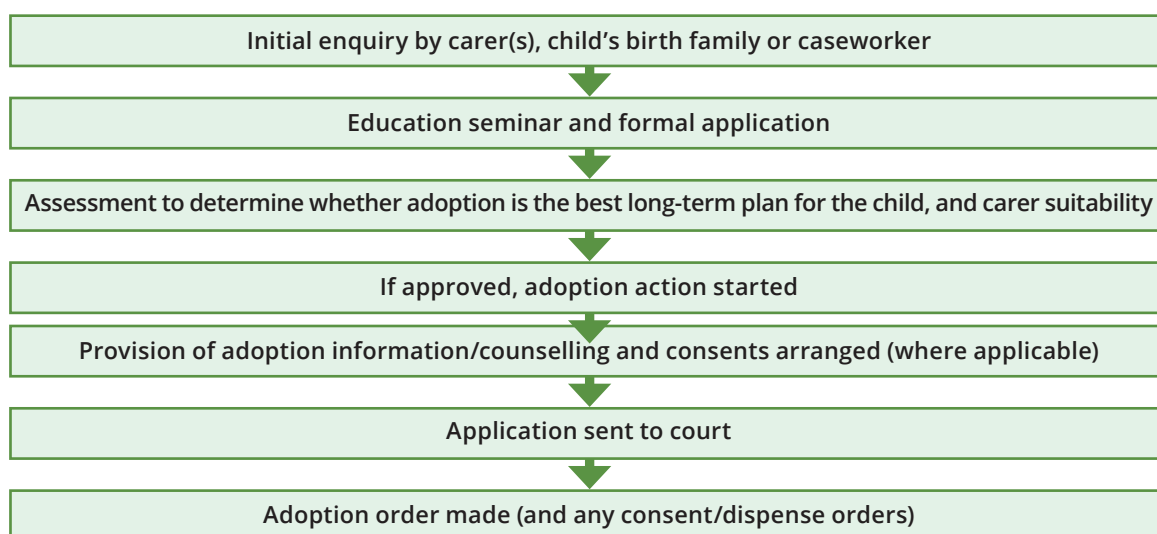
Figure 2.4 shows the process for adoptions by carers, such as foster parents, although some of the additional complexities associated with adoptions by carers are not shown. In both cases, the precise order of the steps might vary slightly between jurisdictions.

Figure 2.3: Process for step-parent and relative adoptions



Note: This diagram is a simplified overview of the step-parent or relative adoption process. The number and order of the steps might vary between jurisdictions.

Figure 2.4: Process for carer (known child) adoptions



Note: This diagram is a simplified overview of the carer (known child) adoption process. The number and order of the steps might vary between jurisdictions.

3 Adoptions in Australia in 2019–20

Key findings

- There were 334 finalised adoptions in Australia in 2019–20.
- 11% were intercountry adoptions and 89% were of Australian children.
- Carer (known child) adoptions were the most common—171, or 51% of all finalised adoptions.
- Almost all local adoptees (98%), and two-thirds of intercountry adoptees (67%), were aged under 5. Only 22% of known child adoptees were aged under 5.
- The median waiting time for families adopting from overseas was 2 years and 9 months in 2019–20.
- 44% all adoptive parents involved in local adoptions were aged 40 and over—the proportion was higher for intercountry (78%) and carer (known child) (82%) adoptions.

This chapter provides an in-depth analysis of intercountry, local and known child adoptions in Australia in 2019–20. Box 3.1 outlines research on the motivations and expectation around adoption. Given the small numbers involved, there can be volatility in the data from year to year. Due to this, changes identified over short periods (such as a single year) should be interpreted with caution. More information about the implications of the small size of the adoption population can be found in the data quality statement for this collection at:

<https://meteor.aihw.gov.au/content/index.phtml/itemId/740629>.

Box 3.1: Motivations and expectations around adoption

People have many reasons for seeking to adopt a child. They may have humanitarian or altruistic motives; other reasons commonly given include the desire to be a parent or to form/complete a family, infertility, or simply wanting to adopt (Australian Healthcare Associates 2017; Hilferty & Katz 2018; O'Halloran 2015; Young 2012).

Infertility, or not being able to have biological children, has been found to be the most prominent motivation for intercountry adoption (Australian Healthcare Associates 2017; Hilferty & Katz 2018; O'Halloran 2015).

Among foster carers considering adoption, research in New South Wales indicated that the strongest motivation for adoption was the desire to provide a lifelong, permanent, secure and stable home for a child in their care, followed by the perceived benefit of gaining greater family autonomy and being able to make parenting decisions without the involvement of case workers or child-care agencies (Luu B, Collings S et al. 2018).

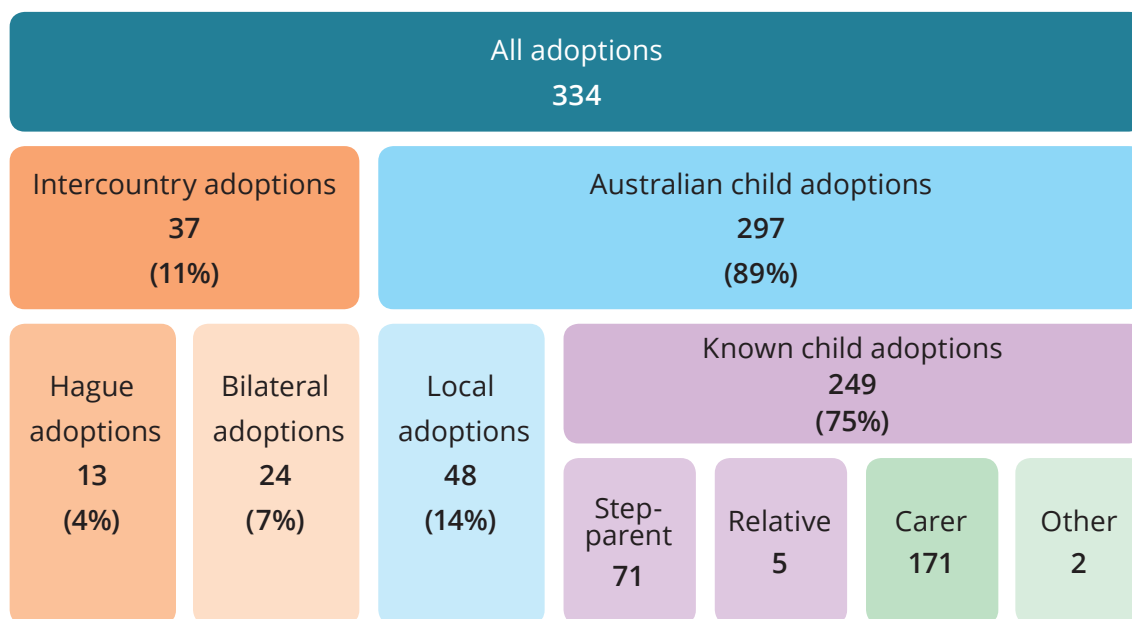
However, similar to prominent motivations found in intercountry adoption research, perceptions of the broader community about adoption from out-of-home care indicated a strong preference for using adoption as a pathway to family formation for people unable to have children via biological means (Luu B, Wright AC et al. 2018).

Adoption policies in Australia and internationally have shifted to focus on open adoption practices and on positioning adoption as a service for the child or young person, where decisions about an adoption are to be made with their best interests as the primary consideration. Despite this, the perception of adoption as a service to meet the needs of childless couples appears to persist in the general public (Luu B, Wright AC et al. 2018).

3.1 Adoption in 2019–20

In 2019–20, 334 adoptions of children were finalised in Australia—an increase of 8% from the 310 adoptions in the previous year. Of the 334 adoptions, 37 (11%) were children adopted from overseas and 297 (89%) were children from Australia—48 local adoptions and 249 known child adoptions (Figure 3.1).

Figure 3.1: Adoptions in Australia, by type of adoption, 2019–20



Notes

1. See Glossary for definitions of the adoption categories.
2. Expatriate and ad hoc adoption are not included in the numbers for intercountry adoptions.
3. Known child adoptions include only those children born or permanently living in Australia before the adoption. Intercountry known child adoption is outside the scope of this report.

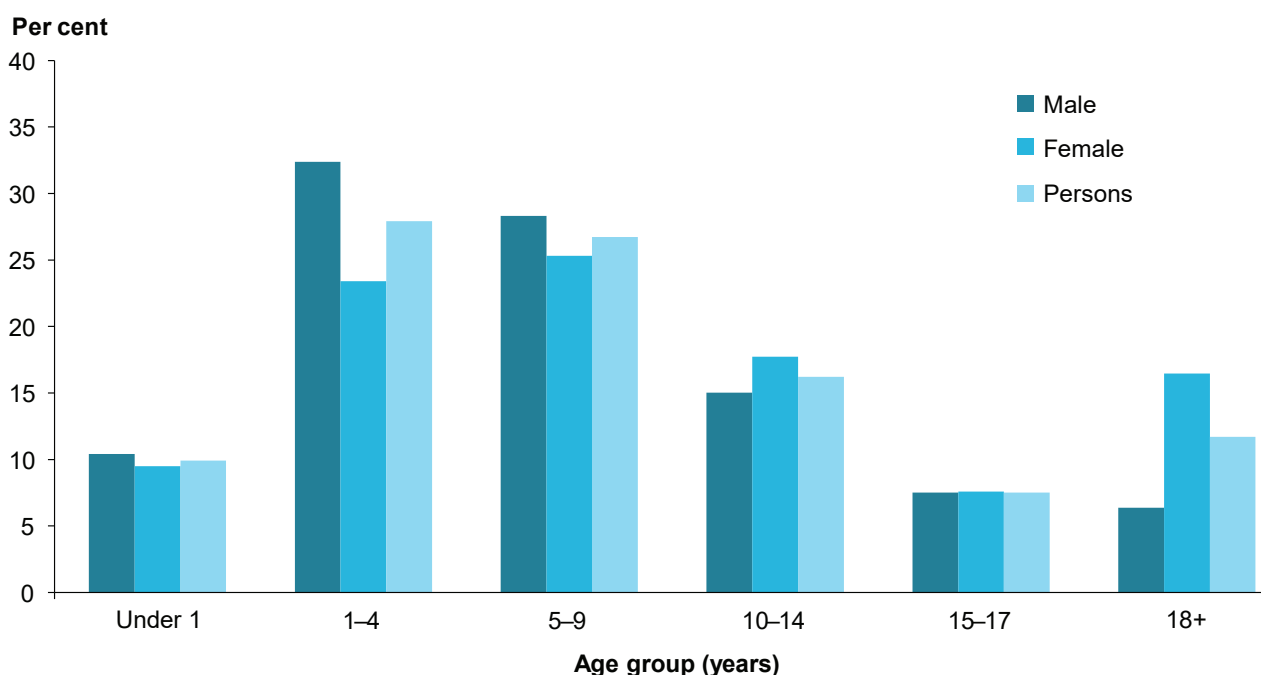
Source: AIHW Adoptions Australia data collection.

For local and intercountry adoptions, children may be placed with their adoptive families before the adoption order is finalised (see figures 2.1 and 2.2). There were 75 such placements during 2019–20 (Table S3). For some of these children, the adoption order was not finalised during 2019–20, and these children are not included among the reported 334 finalised adoptions. Also, some adoption orders finalised in 2019–20 related to children who were placed in previous years.

As was the case in 2018–19, of all adoption orders finalised in 2019–20, slightly more males (52%) than females (47%) were adopted. Also in line with the previous year, the most frequently adopted age group was for children aged 1–4 (28% of all adoptions) (Figure 3.2; Table S2). Age and sex profiles tend to differ widely between intercountry, local and known child adoptions, and these differences can, in turn, influence the profile for all adoptions, depending on the proportion in each adoption category.

Children in known child adoptions were generally older than their local and intercountry counterparts. This was due, in part, to requirements in jurisdictions around the length of time prospective adoptive parents (such as foster parents) needed to have had a relationship with the child before an adoption could occur. The additional time involved in the creation of step-families also contributes to the tendency for known child adoptees to be older.

Figure 3.2: Adoptions, by age group and sex of child, 2019–20



Source: Table S2.

In 2019–20, 78% of known child adoptees were aged 5 and over, while the majority of intercountry (67%) and local adoptees (98%) were aged under 5. As the total number of intercountry and local adoptees was lower than for known child adoptees (85 intercountry and local adoptees combined, compared with 249 known child adoptees), only about two-fifths of all finalised adoptions in 2019–20 were of children aged under 5 (126 or 38%). Of these, 33 adoptees (10% of all adoptions) were younger than 12 months (Figure 3.2; Table S2). These age patterns were similar in 2018–19.

From 2018–19 to 2019–20, the number of finalised adoptions in New South Wales rose by 17%—from 192 to 224. Finalised adoptions in Queensland and Western Australia also rose—from 26 to 34 and from 31 to 38, respectively. For Tasmania and the Northern Territory, the opposite occurred: finalised adoptions fell in both jurisdictions compared to 2018–19. The number remained relatively stable in Victoria, South Australia and the Australian Capital Territory (Table S1).

3.2 Intercountry adoptions

Intercountry adoptions finalised in 2019–20 would have been preceded by application, assessment, placement proposal and immigration processes (Figure 2.1).

In 2019–20, 37 intercountry adoptions were finalised, representing 11% of all adoptions finalised (Figure 3.1). This was a 35% drop from the 57 intercountry adoptions in 2018–19 (Table S4).

Applicants for intercountry adoptions

Applicants for intercountry adoption may be married couples, de facto couples or single people. The definition of when an applicant becomes an official client varies across jurisdictions. For example, it might be when the department first opened a file, when the applicant registered, or when the applicant was invited to attend an information session (see Appendix A, Section A1).

In 2019–20, 136 applicants became official clients of Australian adoption authorities (Table 3.1)—the lowest reported number on record. It is likely that COVID-19 had an effect across intercountry adoption processes and activities in the last few months of 2019–20.

Table 3.1: Level of activity in intercountry adoptions, by state and territory, 2019–20

Activity	NSW	Vic	Qld	WA	SA	Tas/ACT/NT	Australia
Number of applicants who became official clients ^(a)	5	5	74	40	2	10	136
Number of applicants who were approved as eligible and suitable for adoption ^(b)	6	4	15	10	3	7	45
Number of files sent overseas ^(c)	7	2	18	6	2	6	41

(a) Counts the number of applicants who became official clients of the adoptions section of the relevant state/territory department between 1 July 2019 and 30 June 2020.

(b) Counts the number of applicants whose application to adopt was approved by the department between 1 July 2019 and 30 June 2020. An approval is when a formal decision is made by the responsible person that the applicant(s) is eligible and suitable to adopt a child.

(c) Counts the number of files that the department or non-government agency sent to another country to await the allocation of a child between 1 July 2019 and 30 June 2020.

Notes

1. Each category is separate, and while some applicants might appear in each category (for example, if they became official clients and were approved as eligible in the same year), not all do. For example, some applicants might have become official clients in 2017–18, been approved in 2018–19, and had their file sent overseas in 2019–20. These applicants would appear only in the last category in the current reporting period.
2. The level of activity in intercountry adoption during 2019–20 was likely affected by measures put in place as part of government responses to COVID-19. This affects comparability of these data with those for previous years.

Source: AIHW Adoptions Australia data collection.

National data on the number of applicants who become an official client in a given year were first reported in 2011–12 (Table S5). Between 2011–12 and 2019–20, the number of applicants who became official clients has fluctuated. Before 2019–20, the lowest reported number was in 2015–16 (145) and the highest in 2016–17 (216).

In 2019–20, Australian adoption authorities formally approved 45 applicants as being eligible and suitable to adopt a child (Table 3.1). Not all of these approvals relate to applicants who became official clients during 2019–20, as some might have become official clients during a previous year. As well, this number does not reflect all approved applicants, but only those who were newly approved during 2019–20 (see 'Limitations of existing data' in the data quality statement at: <https://meteor.aihw.gov.au/content/index.phtml/itemId/740629>).

Australian adoption authorities also sent 41 files overseas during 2019–20 to be matched with a child (Table 3.1). At any given time, there might be many more awaiting being matched with a child, as the number does not include those files sent overseas in previous years that were still to be matched.

Country of origin

Of the 37 finalised intercountry adoptions in 2019–20, all but 1 (or 97%) were for children from Asian countries (Table S7). The most common country of origin was Taiwan (43% of intercountry adoptions), followed by South Korea (22%) (Table 3.2; Figure 3.3).

Patterns for countries of origin have changed considerably over time, while the number of children adopted has steadily declined overall (Table S8) (see Section 4.1 for a detailed discussion of trends in intercountry adoptions).

Of those intercountry adoptions finalised in 2019–20, 65% were from bilateral countries (Table 3.2). This was an increase from the previous year, when 56% of finalised intercountry adoptions were from bilateral countries.

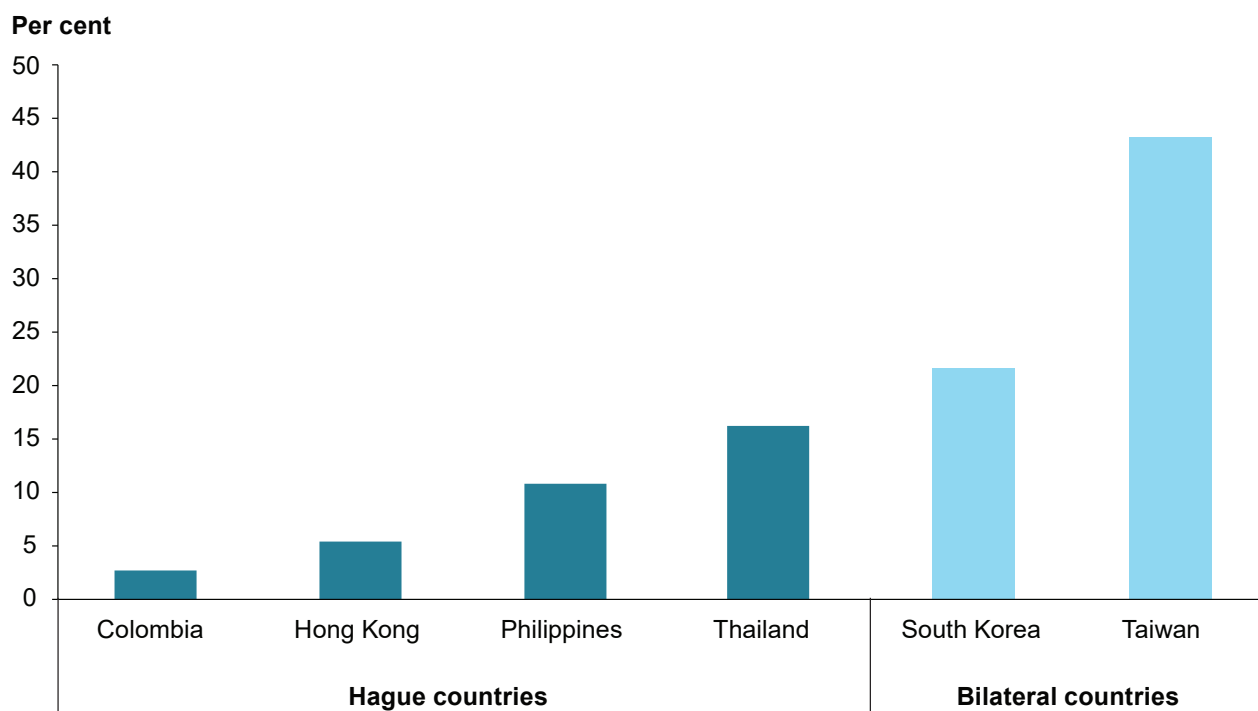
Table 3.2: Intercountry adoptions, by type of adoption and child's country of origin, 2019–20

Country of origin	Number	% of intercountry adoption
Hague		
Colombia	1	2.7
Hong Kong	2	5.4
Philippines	4	10.8
Thailand	6	16.2
<i>Total Hague adoptions</i>	<i>13</i>	<i>35.1</i>
Bilateral		
South Korea	8	21.6
Taiwan	16	43.2
<i>Total Bilateral adoptions</i>	<i>24</i>	<i>64.9</i>
Total intercountry adoptions	37	100.0

Note: Percentages might not add to 100, due to rounding.

Source: AIHW Adoptions Australia data collection.

Figure 3.3: Intercountry adoptions, by type of adoption and child's country of origin, 2019–20



Source: Table 3.2.

Processing times for children placed during 2019–20

As well as providing information on the efficiency of contemporary adoption practices, the length of the adoption process in Australia provides an insight into the lived experience of prospective parents engaged with the adoption process. As with previous years, in 2019–20, processing time data were available only for intercountry adoptions (see ‘Limitations of existing data’ in the data quality statement at:

<https://meteor.aihw.gov.au/content/index.phtml/itemId/740629>.

Box 3.2 outlines some of the factors that influence processing times for intercountry adoptions.

For children placed with their adoptive parent(s) in 2019–20, the median length of time from when an Australian applicant became an official client of a state or territory department to when a child was placed with them was 2 years and 9 months.

Median waiting times for countries from which placements were received during 2019–20 varied considerably. For example, placements from South Korea had the shortest median time of 26 months (just over 2 years), while placements from Thailand had the longest median time of 46 months (almost 4 years) (Table 3.3). This was consistent with median times recorded for these 2 countries in 2018–19.

Table 3.3: Median length of time for the intercountry adoption process, by country of origin, for children placed in 2019–20 (months)^(a)

Country of origin	From when the applicant(s) became official clients of the department to when an approval decision was made	From when an approval decision was made to when the file was sent overseas	From when the file was sent overseas to when the child was allocated	From when the child was allocated to when the child was placed	Total length of process ^(b)
South Korea ^(c)	13	1	1	9	26
Taiwan	12	2	9	12	36
Thailand	9	5	27	3	46
All countries^{(c) (d)}	10	1	7	9	33

(a) This table includes children who were placed with their adoptive families during 2019–20. It looks at the median length of time from when applicants became official clients of the department to when a child was placed with them.

(b) Total length of process’ is the overall median length of time from when the applicant(s) became official clients of the department to when the child was placed. It might not equal the sum of the preceding processes due to rounding to the nearest whole month, and because of the nature of median calculations.

(c) One adoption placement from Hong Kong and 1 adoption placement from South Korea in 2019–20 were excluded from the median calculation for each country due to an unusual adoption pathway that create substantial delays.

(d) ‘All countries’ includes Colombia, which had fewer than 3 placements in 2019–20, making it unsuitable to report a median measure for the country individually.

Source: AIHW Adoptions Australia data collection.

Box 3.2: What influences processing times for intercountry adoptions?

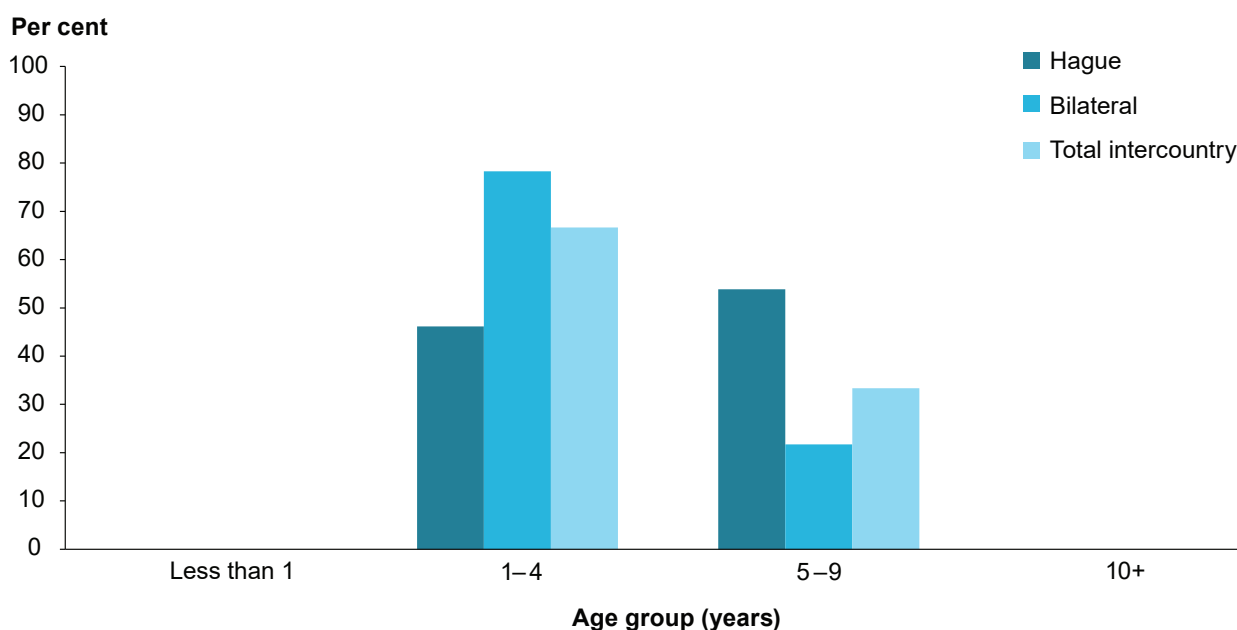
Several factors can influence the time involved in the intercountry adoption process, including:

- the number and characteristics of children needing families
- the number of prospective adoptive parents making applications
- the age and needs of the child/children an applicant is open, and approved, to adopt
- policy and program restrictions in place for a given country
- the resources available to the overseas country to process an application.

Characteristics of adopted children

All of the 37 intercountry adoptees in 2019–20 were aged under 10. While there were no infants aged under 12 months among the intercountry adoptees, 67% were aged under 5 (Table S2). Adoptees from bilateral countries tended to be younger than those from Hague countries—78% aged 1–4 compared with 46%, respectively (Figure 3.4).

Figure 3.4: Intercountry adoptions, by age group of child and type of adoption, 2019–20



Source: Table S10.

As was the case in 2018–19, in 2019–20, adoption orders were finalised for more male (23) than female (14) adoptees (Table S2). The majority of the intercountry adoptions finalised were for single children (89%), but 4 children were adopted as part of 2 sibling groups—that is, a child and at least 1 of their siblings were adopted at the same time by the same family (Table S12).

Characteristics of birth mothers

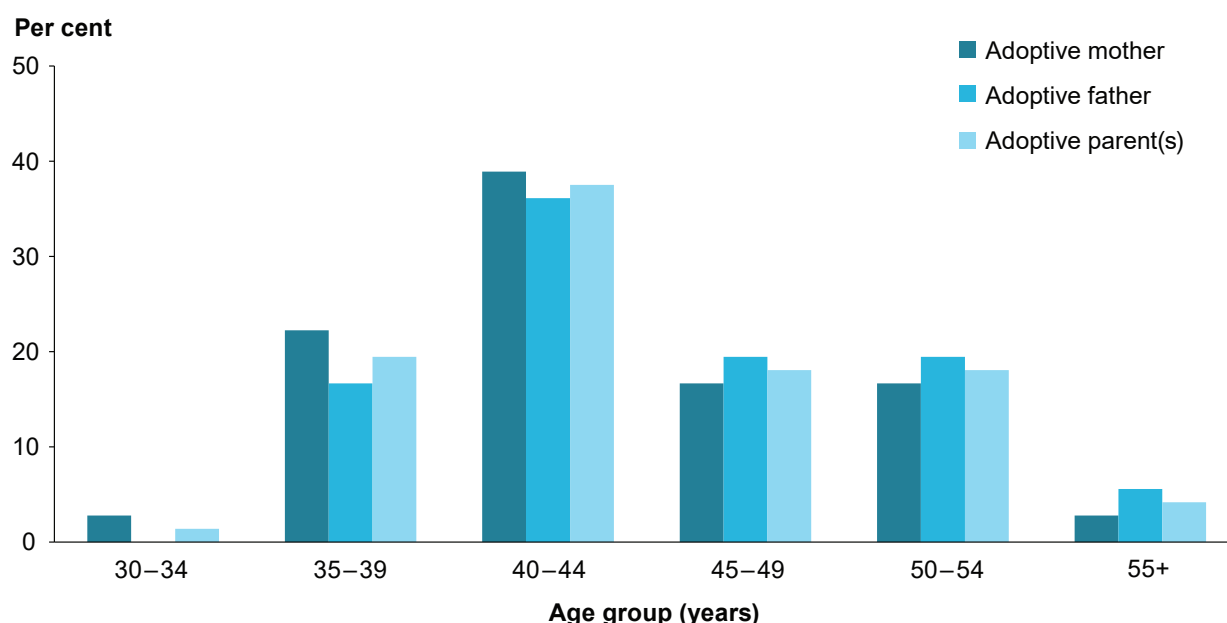
Characteristics of birth mothers of intercountry adoptees are difficult to obtain from their countries of origin (see 'Limitations of existing data' in the data quality statement at:

<https://meteor.aihw.gov.au/content/index.phtml/itemId/740629>). No national data are currently available on the median age at which mothers of intercountry adoptees gave birth.

Characteristics of adoptive families

Adoptive parents tend to be older than parents of non-adopted children (see Box 3.3). In 2019–20, of all adoptive parents who were part of a finalised intercountry adoption, 78% were aged 40 and over, with only 2 parents aged under 35 (Figure 3.5). Adoptive mothers and adoptive fathers had similar age profiles.

Figure 3.5: Intercountry adoptions, by age group of adoptive parent(s), 2019–20



Note: Percentages exclude adoptive parents of unknown age.

Source: Table S16.

In 2019–20, all intercountry adoptees became part of families where the adoptive parents were in a registered marriage (Table 3.4).

Table 3.4: Intercountry adoptions, by type of adoption and marital status of the adoptive parent(s), 2019–20

Marital status of the adoptive parent(s)	Hague adoption		Bilateral adoption	
	Number	%	Number	%
Registered married couple	13	100.0	24	100.0
De facto couple	—	..	—	..
Single person ^(a)	—	..	—	..
Total	13	100.0	24	100.0

(a) Might include widowed parents.

Source: AIHW Adoptions Australia data collection.

In 2019–20, half (50%) of the children with a finalised intercountry adoption were adopted into families with no other children, and a further 31% were adopted into families with other adopted children only (Table 3.5). This excludes adoptions for New South Wales, for which data were not available.

Table 3.5: Intercountry adoptions, by type of adoption and composition of the adoptive family, 2019–20^(a)

Composition of the adoptive family	Hague adoption		Bilateral adoption		Total	
	Number	%	Number	%	Number	%
No other children	4	50.0	9	50.0	13	50.0
Biological children only	—	..	2	11.1	2	7.7
Adopted children only	1	12.5	7	38.9	8	30.8
Biological and adopted children	3	37.5	—	..	3	11.5
Total	8	100.0	18	100.0	26	100.00

(a) Excludes adoptions from New South Wales, which was unable to report on the composition of the family.

Source: AIHW Adoptions Australia data collection.

Box 3.3: Why do characteristics of intercountry adoptive parents differ from those of parents of non-adopted children?

Adoptive parents tend to be older than parents of non-adopted children. Reasons for this might include decisions about postponed childbearing, exploration of alternatives in relation to family formation (including possible time spent pursuing fertility treatments) and the time involved in the intercountry adoption process. Further, countries of origin can specify age requirements for prospective adoptive parents as part of an intercountry adoption program, as well as requirements about the length of time applicants need to have been in a relationship with one another.

Regarding the marital status of prospective adoptive parents, apart from additional flexibility for the adoption of children with special needs, few intercountry programs allow applications by single people, with many programs requiring prospective adoptive parents to have been in a registered marriage for a set period.

For example, in 2019–20, South Korea required applicants to have been married for a minimum of 3 years. As well, while all jurisdictions in Australia allow de facto and same sex couples to apply to adopt, Australia's partner countries during 2019–20, except for Colombia and South Africa, did not accept applications from de facto or same sex couples (IAA 2020b).

As with marital status and the age of adoptive parents, some countries of origin also have specific eligibility criteria in place that directly affected family composition—such as infertility requirements or restrictions on family size (IAA 2020b).

Hague adoption orders

Of the 13 adoptions finalised from countries where the Hague Convention was in force, 11 children entered Australia under guardianship orders, and then had their adoption orders finalised in Australia. Of these, 4 were from the Philippines, 5 from Thailand and 2 from Hong Kong. The remaining 2 children entered Australia under a full adoption order made in their country of origin (Table S11).

After a child is placed with their adoptive family, if a recognised full adoption order is not in place, there will be a period while the adoption order is finalised by Australian authorities. As a result, some children placed for adoption during 2019–20 might not have had their adoption finalised within that financial year. This was the case for 11 intercountry adoptees placed with their adoptive families during 2019–20, 8 of whom were from Thailand (AIHW Adoptions Australia data collection).

Visa and citizenship applications

During 2019–20, COVID-19 caused visa processing delays due to the unavailability or lack of access to key assessment services (including panel doctor facilities for visa medical checks and local in-country adoption-related services in many locations). This affected applicants' ability to meet key visa criteria. Therefore, data on visa applications, including data on expatriate adoptions, for 2019–20 are not comparable with data for previous years.

In 2019–20, data from the Department of Home Affairs showed that 9 adoption specific visas were issued for intercountry adoptees who had previously had an adoption arranged by an Australian state or territory authority (Table S6). Not all of the children who were issued with visas in 2019–20 would have had their adoption order finalised during this period. It is also possible that some of these visas might reflect intercountry known child adoptions that are generally excluded from intercountry and finalised adoption numbers reported elsewhere in this report.

Intercountry adoptees can also enter Australia via a citizenship pathway. In February 2015, amendments to the *Australian Citizenship Act 2007* began. These amendments enable children adopted from South Korea and Taiwan, where the adoption is arranged by an Australian state or territory central authority, to apply immediately for Australian citizenship once the adoption process is complete in their country of origin, and (after the granting of citizenship) to travel to Australia as Australian citizens.

Over time, this change might result in a fall in the number of adoption visas issued for children adopted from South Korea and Taiwan. In 2019–20, data from the Department of Home Affairs showed that 40 applications for Australian citizenship for children adopted under full Hague Convention or bilateral arrangements were approved, including 12 applications for children born in South Korea and 19 for Taiwan.

Expatriate adoptions

An expatriate adoption, as defined in this report, occurs when an Australian citizen or Australian permanent resident living abroad adopts a child through an overseas agency or government authority.

Australian adoption authorities are not responsible for expatriate adoptions, and do not assess nor approve applicants for such adoptions. To enter Australia, the child must apply for, and be granted, an adoption-specific visa. This means that Australia's involvement in such adoptions is limited to the Department of Home Affairs' assessing whether or not the expatriate adoption meets the relevant visa requirements for entry of the child into Australia.

Visa requirements for expatriate adoptions include:

- at least 1 of the prospective adoptive parent(s) must have been living abroad for at least 12 months before any visa application being lodged with the Department of Home Affairs
- the prospective adoptive parent(s) must have proven that they were not living overseas to bypass legal requirements for entry of adopted children into Australia
- the prospective adoptive parent(s) must have lawfully acquired full and permanent parental rights in adopting the child.

In 2019–20, data from the Department of Home Affairs indicated that 72 adoption-specific visas were issued for children who were adopted under an expatriate adoption process (Table S6).

Visas for this type of adoption were issued from 30 countries. Almost one-third (32%) of these adoptions occurred in countries with which Australia had an official intercountry adoption program that was active in 2018–19. Around two-thirds (64%) involved countries with which Australia has never had a formal adoption program (Table 3.6).

Table 3.6: Adoption-specific visas issued to Australian expatriates (Subclass 102, statistical code 156), by the program status of countries of adoptee citizenship, 2019–20

Program status	Number	%
Open program	23	31.9
On hold/inactive program	<5	n.p.
Closed program	<5	n.p.
No previous program	46	63.9
Stateless/unknown	—	..
Total	72	100.0

Note: For this table, the status of a program in the reporting period before the period in which the visa was issued is used to classify the program against the categories. For example, for visas issued in 2019–20, a country is classified based on the status/existence of an Australian adoption program during 2018–19.

Source: Department of Home Affairs data collection.

3.3 Local adoptions

In 2019–20, 48 local adoptions were finalised, comprising 14% of all adoptions (Figure 3.1; Table 3.7). This was a slight increase from the previous year, when 42 local adoptions were finalised (Table S17). Due to the small number of local adoptions nationally, changes at both the national and the state and territory level should be interpreted with caution.

Table 3.7: Local adoptions, by state and territory, 2019–20

State/territory	Number	%
New South Wales	12	25.0
Victoria	14	29.2
Queensland	12	25.0
Western Australia	7	14.6
South Australia	1	2.1
Tas, ACT and NT	2	4.2
Australia	48	100.0

Note: Percentages might not add to 100, due to rounding.

Source: AIHW Adoptions Australia data collection.

Characteristics of adopted children

In 2019–20, almost all (98%) local adoptees were aged under 5, with 67% being infants aged under 12 months at the time of placement (Table S2). This age profile for local adoptees was substantially different from other adoption types. No infants were adopted through intercountry adoption and only a single infant (<1%) was adopted through known child adoption in 2019–20 (for a more detailed discussion of trends, see Section 4.1).

There were more local adoptions finalised for male (28) than female (20) adoptees in 2019–20, and 2 children were adopted as part of a sibling group (tables S2 and S12).

In 2019–20, 3 Indigenous Australian children had an adoption order finalised as part of a local adoption where the child did not have a pre-existing relationship with the adoptive parent(s). The adoptive parent(s) identified as Indigenous Australians in 2 of these adoptions (AIHW Adoptions Australia data collection).

Characteristics of birth mothers

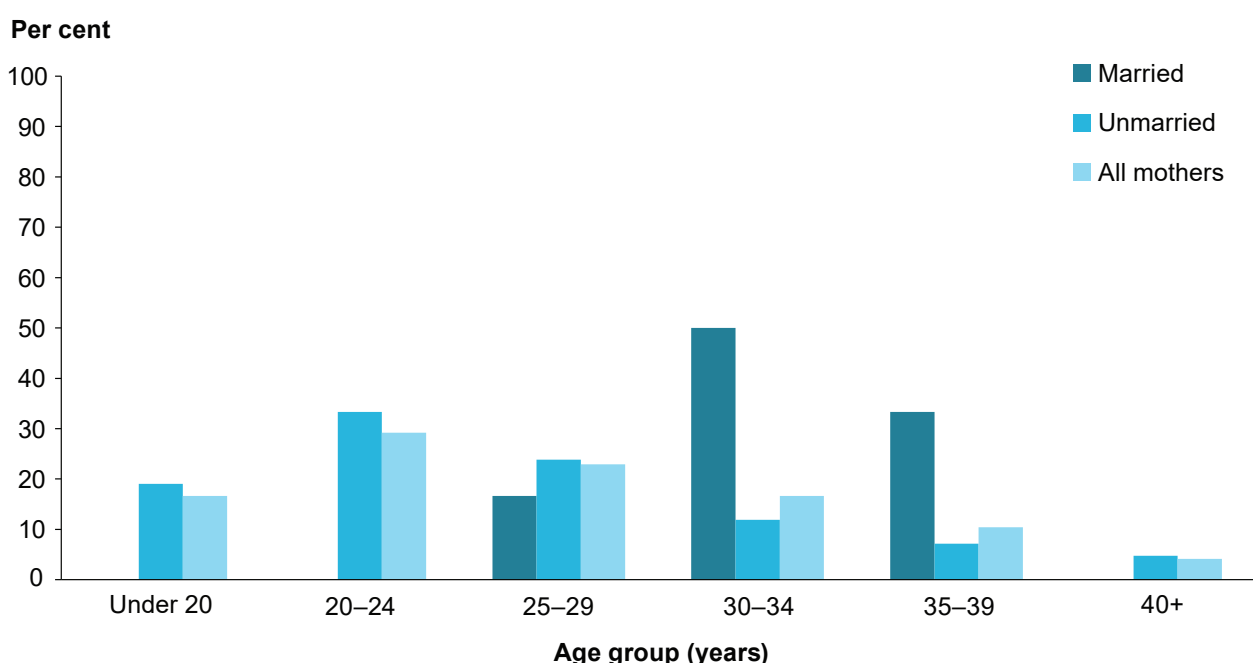
Data were available on the characteristics of mothers of Australian children who were part of a local adoption. These data provide valuable information on some demographic differences between these mothers and adoptive parents.

The median age of mothers of children with a finalised local adoption in 2019–20 was 26 at the time of the child's birth, the same median age observed in 2018–19 (Table S18). This is a younger median age than the median age of all mothers giving birth in Australia, which was 31.4 years (ABS 2019).

As was the case in 2018–19, the age of mothers of children with a finalised local adoption in 2019–20 ranged from under 20 to over 40. The most common age group was women aged 20–24—accounting for 29% of mothers.

Over two-thirds of mothers (69%) were aged under 30 and only 13% were in a registered marriage at the time their child was born (Figure 3.6; tables S19 and S20).

Figure 3.6: Local adoption, by marital status and age group of birth mother, 2019–20



Source: Table S19.

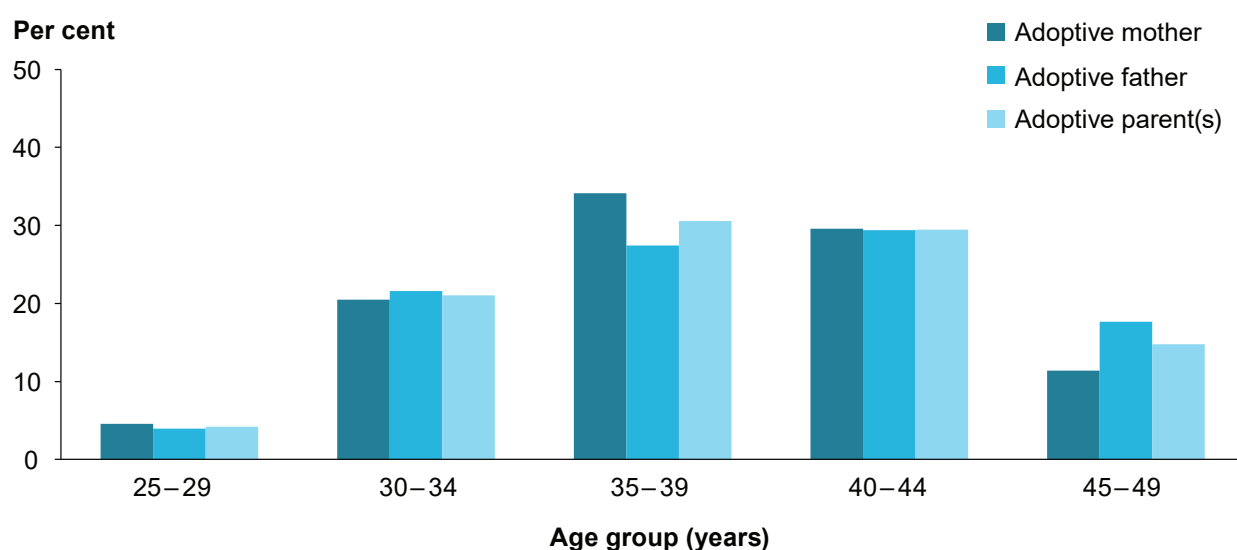
Characteristics of adoptive families

Adoptive parents involved in finalised local adoptions in 2019–20 were more likely to be married (94%) or in a de facto relationship (6%) than mothers of local adoptees (AIHW Adoptions Australia data collection). Factors that influence the characteristics of adoptive families in local adoptions are discussed in Box 3.4

Local adoptive parents were also generally older than the mothers of adoptees, with almost all (96%) local adoptive parents being aged 30 and over at the time of placement.

Local adoptive parents were younger than those who had adopted through intercountry adoption—56% of parents in local adoptions were aged under 40, compared with 22% of those in finalised intercountry adoptions, excluding parents of unknown age (figures 3.5 and 3.7; Table S16).

Figure 3.7: Local adoptions, by age group of adoptive parent(s), 2019–20



Source: Table S16.

Of local adoptees with a finalised adoption order in 2019–20, almost three-quarters (74%) were adopted into families with no other children. A further 14% were adopted into families with other adopted children only. Just 9% of local adoptees were adopted into families where the adoptive parent(s) had 1 or more biological children (excluding adoptions for New South Wales, for which these data were not available) (Table 3.8).

Table 3.8: Local adoptions, by composition of the adoptive family, 2019–20^(a)

Composition of the adoptive family	Number	%
No other children in the family	26	74.3
Biological children only	3	8.6
Adopted children only	5	14.3
Both biological and adopted children	—	..
Other	1	2.9
Total^(b)	36	100.0

(a) Excludes adoptions from New South Wales, which was unable to report on the composition of the family.

(b) 'Total' includes 1 local adoption where the composition of the family was unknown

Notes

1. Percentages might not add to 100, due to rounding.

2. Percentages exclude instances where family composition was unknown.

Source: AIHW Adoptions Australia data collection.

Box 3.4: What is influencing the characteristics of adoptive families in local adoptions?

Although eligibility criteria set by local adoption authorities in Australia are generally less restrictive than those set by Australia's partner countries for intercountry adoption, it is likely that criteria for local adoption still influenced the characteristics of adoptive parents.

(continued)

Box 3.4 (continued): What is influencing the characteristics of adoptive families in local adoptions?

Factors that might influence the age and relationship status of adoptive parent(s) in local adoptions include adoption specifications in place before 2019–20 on the length of time couples needed to have been in a married or de facto relationship, an increasing tendency for couples to postpone having children, and entering into marriage later in life (Mills et al. 2011).

Further, while married and de facto couples (including same-sex couples) were eligible to become adoptive parents in all states and territories in Australia in 2019–20, additional restrictions still applied for single people wanting to adopt.

The circumstances under which single people could apply to adopt varied for each state and territory, but most accepted such applicants only under special circumstances, such as an adoption of a child with special needs where the single applicant has special skills needed to parent the child (for example, expertise in working with children with a disability, or nursing). In Victoria, single applicants were not allowed to apply to adopt (see Appendix A, Section A1).

Administration of local adoptions

Legislation governing local adoptions in states and territories requires that, in most instances, consent for adoption be received from both parents. Dispensation of consent is usually provided by the relevant court in each state/territory only when the parent(s) are unable to give consent themselves.

For more than half (56%) of local adoptions finalised in 2019–20, consent for the adoption was given by the mother only. For a further 40%, both parents provided consent for the adoption. In 4% of cases, consent of both parents was either dispensed with or not required (Table 3.9).

Table 3.9: Local adoptions, by type of consent, 2019–20

Type of consent given	Number	%
From mother only ^(a)	27	56.3
From father only ^(b)	—	..
From both parents	19	39.6
Both parents' consent dispensed/not required	2	4.2
Total	48	100.0

(a) Father's consent dispensed/not required.

(b) Mother's consent dispensed/not required.

Source: AIHW Adoptions Australia data collection.

Agreements made at the time of adoption showed that the majority (92%) of local adoptions finalised in 2019–20 could be considered 'open'—that is, all parties agreed to allow a degree of contact or information exchange to occur between families (Table 3.10). Box 3.5 provides further information on open adoptions.

National data on the type of agreement for contact or information exchange for local adoptions began in 1998–99, when the local adoption category was introduced. From 1998–99 to 2019–20, open adoption arrangements were consistently the most common form of agreement (generally more than 80% of local adoptions finalised in each year) (AIHW Adoptions Australia data collection; Table S21). This reflects the change in local adoption practices from the closed practice—where files were sealed and parties to the adoption had no contact with each other—to a more open practice that can involve access to information and contact between the parties.

Table 3.10: Local adoptions, by type of agreement, 2019–20

Type of agreement	Number	%
Contact and information exchange	28	58.3
Contact only	2	4.2
Information exchange only	14	29.2
No contact or information exchange	4	8.3
Total	48	100.0

Source: AIHW Adoptions Australia data collection.

Box 3.5: The nature of adoption has moved from closed to open adoptions

In an open adoption, the identity of all parties is known, and contact between the birth family and the adoptee, either directly or indirectly, is continued throughout the adoptee's life (Monahan & Hyatt 2018).

Contact can include communication through face-to-face meetings, telephone calls, letters, and messages (Luu et al. 2019). Where earlier adoption practices favoured closed adoptions (no contact between the birth and adoptive families), more contemporary practices have pushed for open adoptions to counter some of the negative impacts of past closed adoptions practices (del Pozo de Bolger et al. 2018; MacDonald 2016).

The perceived benefits of open adoptions include the adoptee's growing up with a clear understanding of their background, the removal of the 'unknown' of their birth family, and positive identify formation.

Through an open adoption, the child grows up knowing that they have been adopted, and is supported to remain connected to his or her family of origin and cultural heritage, but some researchers have concluded that the impact of open adoptions depends on several factors that vary across individuals. So, the type and quantity of contact should be assessed on a case-by-case basis (Boyle 2017; Luu et al. 2019).

The push for open adoptions has improved system practices, by ensuring that the process and requirements for obtaining consent is more accountable. It has also created higher and more transparent standards for assessing the suitability of prospective adoptive parents (Higgins 2012).

Most jurisdictions require that ongoing contact arrangements be addressed as a necessary requirement of the adoption plan—either as an enforceable part of the adoption order or as part of a formal post-adoption contact arrangement. South Australia, Tasmania and the Northern Territory are the only jurisdictions where agreed ongoing contact arrangements are not enforceable (Monahan & Hyatt 2018).

Contact and adoptive plans are generally negotiated before the adoption, and aim to include the views of the adoptive and birth families. In known child adoptions, for which contact data are not collected, effort is made to include the child's perspective on the openness of the adoption (Luu et al. 2019).

Similar to the 2018–19 proportion, 3 in 4 (75%) local adoptions finalised in 2019–20 were arranged by a relevant state or territory authority (Table S22; AIHW 2019). The remainder (25%) were arranged by a non government organisation.

3.4 Known child adoptions

In 2019–20, 249 known child adoptions were finalised (Table 3.11)—an increase of 18% on the previous year (Table S23). Known child adoption was the largest category of adoption in 2019–20, accounting for 75% of all adoptions. As with previous years, the majority (81%) of known child adoptions occurred in New South Wales (Table 3.11).

Table 3.11: Known child adoptions, by state and territory, 2019–20

State/territory	Number ^(a)	%
NSW	201	80.7
Vic	3	1.2
Qld	11	4.4
WA	30	12.0
SA	—	..
Tas, ACT and NT	4	1.6
Australia	249	100.0

(a) Number of adoptions includes 39 adoptees aged 18 and over at the date the adoption order was granted (see Table S2).

Notes: Percentages might not add to 100, due to rounding.

Source: AIHW Adoptions Australia data collection.

In 2019–20, 69% of known child adoptions finalised were by carers (such as foster parents), up slightly from 67% in 2018–19 (tables 3.12 and S25). Almost all (99%) of known child adoptions by carers (169 of 171) occurred in New South Wales, as was also the case for 2018–19 (136 of 142) (AIHW 2019). This reflects the state's policies that promote adoption to achieve stability for children under the long-term care of state child protective services when family restoration is not considered appropriate.

Table 3.12: Known child adoptions, by relationship of adoptive parent(s), 2019–20

Relationship of the adoptive parent(s)	Number ^(a)	%
Carer	171	68.7
Step-parent	71	28.5
Relative ^(b)	5	2.0
Other ^(c)	2	0.8
Total	249	100.0

(a) Includes 32 children aged 18 and over.

(b) Includes relatives other than step-parents.

Source: AIHW Adoptions Australia data collection.

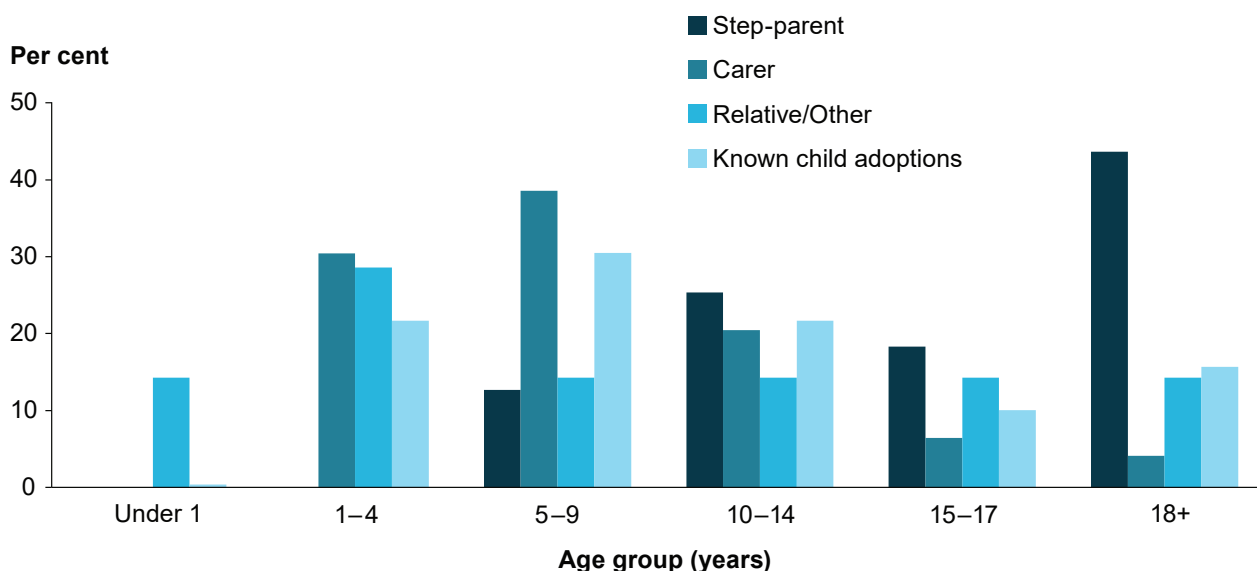
Characteristics of adopted children

Australian children in known child adoptions were generally older than children in local or intercountry adoptions. In 2019–20, 118 of the 249 (47%) known child adoptees were aged 10 and over, with 39 adoptees aged 18 and over at the date the adoption order was granted. In comparison, no children in local or intercountry adoptions were aged 10 and over

(Table S2). Children aged under 5 comprised 22% of known child adoptions, compared with 98% of local adoptions, and 67% of intercountry adoptions (Table S2; Figure 3.8).

Due to the longer time involved in forming step-families, the proportion of adoptions by step parents (29% of known child adoptions finalised in 2019–20) influences the proportion of older age children seen in the known child adoption category. Of the known child adoptions finalised in 2019–20, 87% of the children in step-parent adoptions were aged 10 and over, compared with 31% of children in carer adoptions (Table S24; Figure 3.8).

Figure 3.8: Known child adoptions, by age group of child and type of adoption, 2019–20



Note: As well as step-parent and carer adoptions, known child adoptions include adoptions by relatives other than step-parents.
Source: Table S24.

Data on sibling adoptions were collected only for carer (known child) adoptions in 2019–20. These data showed that, of the 171 carer adoptions, almost half (49%) of the adoptees were adopted as part of a sibling group. In total, 84 adoptees were adopted as part of 38 sibling groups (Table S12). There were relatively even numbers of males (123) and females (124) who were the subjects of finalised known child adoptions in 2019–20. Although numbers were generally even across age groups of adoptees, there were substantially more females than males aged 18 years and over (Table S2).

In 2019–20, 9 Indigenous Australian children had adoption orders finalised as part of a known child adoption where the child had a pre-existing relationship with the adoptive parent(s), and was generally not able to be adopted by anyone other than the adoptive parent(s). The majority (7) of these adoptions were by carers, such as foster parents, 5 of whom did not identify as an Indigenous Australian (AIHW Adoptions Australia data collection).

Characteristics of adoptive families

The marital status of people involved in carer (known child) adoptions was very different from that of intercountry and local adoptions. Although the majority of adoptive parents involved in carer adoptions were in a registered marriage (71%), adoptive parents who were in de facto couples or single people were more likely than in intercountry or local adoptions. While there were no local or intercountry adoptions by single people in 2019–20, 17% of adoptive parents involved in carer (known child) adoptions were single (Table 3.13).

Table 3.13: Carer (known child) adoptions, by marital status of the adoptive parent(s), 2019–20

Marital status of the adoptive parent(s)	Number	%
Registered married couple	121	70.8
De facto couple	21	12.3
Single person ^(a)	29	17.0
Total	171	100.0

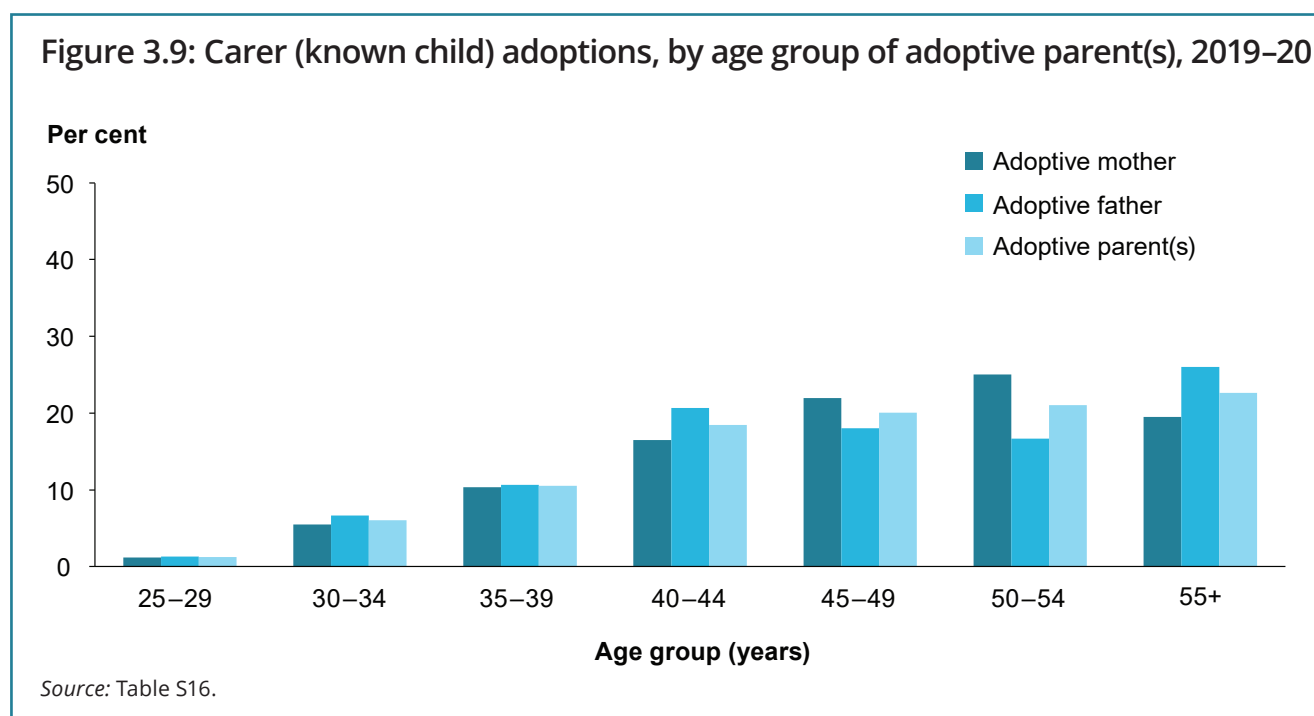
(a) Might include widowed parents.

Notes: Percentages might not add to 100, due to rounding.

Source: AIHW Adoptions Australia data collection.

Compared with the age of adoptive parents involved in either intercountry or local adoptions, carers who became the adoptive parent(s) of a child in their care tended to be older. Only 22% of adoptive parents in intercountry adoptions were aged 50 and over and all parents involved in local adoptions were aged under 50. By comparison, almost half (44%) of adoptive parents involved in carer (known child) adoptions were aged 50 and over (Table S16).

The largest proportion of carer (known child) adoptions were by adoptive parents aged over 55 (23%), closely followed by adoptive parents aged 50–54 (21%) and 45–49 (20%) (Figure 3.9).



Administration of carer (known child) adoptions

State and territory legislation governing carer (known child) adoption requires that consent for adoption be received either from both parents or from any person who has parental responsibility for the child (which can include the Minister's delegate if the child is under the parental responsibility of the Minister), or that the Court makes an order dispensing with consent. Dispensation of consent is usually provided by the relevant court in each state/territory in circumstances where the parent(s) cannot be found, where the parent(s) are unable to give consent themselves, or in some instances where there is a history of abuse that has led to the child being removed from their care for an extended period.

For carer (known child) adoptions finalised in 2019–20, consent from both parents occurred in 4% of cases. Consent from the birth mother only was given in 6% of cases, and consent was given by the birth father only in 4% of cases. For 86% of adoptions by known carers, consent of both parents for the adoption was dispensed or not required (Table 3.14). A child's involvement in the decision making around adoption is discussed in Box 3.6.

Table 3.14: Carer (known child) adoptions, by type of consent, 2019–20

Type of consent given	Number	%
From mother only ^(a)	10	6.1
From father only ^(b)	7	4.3
From both parents	6	3.7
Both parents' consent dispensed/not required	141	86.0
Total^(c)	171	100.0

(a) Father's consent dispensed/not required.

(b) Mother's consent dispensed/not required. (c) 'Total' includes 7 Carer (known child) adoptions where the type of consent was unknown.

Notes:

1. Percentages exclude instances where the type of consent was unknown.

2. Percentages might not add to 100, due to rounding.

Source: AIHW Adoptions Australia data collection.

Box 3.6: Does the adoptee have a say in their adoption?

Research has shown that, regardless of age, children want to be involved in the decisions around their adoption (Cox et al. 2007). Shared information and involvement can support a child in making sense of their connection to their birth family and their status as an adopted child (Neil 2012). Though a child's age or circumstance can have an impact on their ability to understand, recent research suggests that most children benefit when participating in decisions that relate to their adoptive experiences (Garcia-Quiroga & Agoglia 2020).

In all jurisdictions, the child must be consulted if they are aged 12 and over, and their consent must be obtained before an adoption order is made. The court may dispense with the child's consent if the adoption is believed to be in their best interests (Monahan & Hyatt 2018).

3.5 Access to information

There have been substantial changes since the 1980s to the Australian adoption laws that govern the way information about an adoption could be accessed, starting with the *Adoption Act 1984* in Victoria. Changes in Australian adoption procedures paralleled a shift in social attitudes—from adoptions being seen as providing a service for adults, to regarding the wellbeing of children as paramount.

In 2019–20, all states and territories had legislation that granted certain information rights to adopted people aged 18 and over, and to their adoptive and birth families. The extent of these rights, and of the protection of the privacy of parties to the adoption, varied among the jurisdictions (see Appendix A, Section A2).

Information applications

All states and territories had adoption information services, or information and contact registers (or other similar systems) in place in 2019–20, but the requirements for accessing information about a past adoption differed for each jurisdiction (see Appendix A, Section A3).

Depending on the legislation of the relevant jurisdiction, parties to an adoption could apply for access to identifying or non identifying information. Identifying information includes details of the person about whom the information is being sought, such as the original birth certificate or the amended birth certificate. Non-identifying information does not identify the person about whom the information is sought, and can include the age of birth parent(s), and place of birth.

In relation to the number and distribution of applications in 2019–20:

- there were 2,284 information applications made—88% of these for identifying information
- almost three-quarters (73%) of identifying information applications were made by adoptees, and 8% by birth parents
- 32% of non-identifying information applications were made by adoptees, and 4% by birth parents
- most adoptees seeking information were aged 45 and over (83%)
- more female adoptees (54%) lodged information applications than male adoptees (46%) (tables 3.15 and 3.16).

Table 3.15: Information applications lodged, by person lodging application and information type, 2019–20

Person lodging the application	Number	%
Identifying information		
Adoptee	1,467	73.2
Adoptive mother	5	0.2
Adoptive father	7	0.3
Birth mother	140	7.0
Birth father	24	1.2
Other birth relative(s)	125	6.2
Other adoptive relative(s)	16	0.8
Child of adoptee	215	10.7
Unknown	5	0.2
Total	2,004	100.0
Non-identifying information		
Adoptee	90	32.1
Adoptive mother	10	3.6
Adoptive father	2	0.7
Birth mother	5	1.8
Birth father	7	2.5
Other birth relative(s)	134	47.9
Other adoptive relative(s)	10	3.6
Child of adoptee	20	7.1
Unknown	2	0.7
Total	280	100.0

Notes

1. Percentages might not add to 100, due to rounding.
2. Data predominantly relate to applicants who were party to a domestic adoption. Very few applicants were party to an intercountry adoption.

Source: AIHW Adoptions Australia data collection.

Applications for information were likely affected by restrictions put in place by governments to manage COVID-19. This affects comparability of these data with data for previous years.

Table 3.16: Adult adoptees who lodged information applications, by Indigenous status, age group and sex, 2019–20

Age group (years)	Indigenous Australians			Other Australians ^(a)			Total			%
	Males	Females	Persons	Males	Females	Persons	Males	Females	Persons	
18–19	—	—	—	5	7	12	5	7	12	1.3
20–24	1	—	1	5	5	10	6	5	11	1.2
25–34	1	2	3	15	22	37	16	24	40	4.3
35–44	3	4	7	42	41	83	45	45	90	9.8
45+	25	22	47	331	391	723	356	413	770	83.4
Total^(b)	33	31	65	400	469	886	433	500	951	100.0
%	51.7	48.3	6.3	46.0	53.9	93.7	46.4	53.5	100.0	100.0

(a) 'Other Australians' includes 154 people whose Indigenous status was unknown.

(b) 'Total' includes 6 males and 5 females of unknown age, and 17 people of unknown sex.

Notes

1. Percentages might not add to 100, due to rounding.
2. Percentages exclude those of unknown age and/or sex.
3. New South Wales was unable to provide data for this table.

Source: AIHW Adoptions Australia data collection.

Contact and identifying information vetoes

In some cases, a party to an adoption might wish to block contact or access to information by another party to the adoption. This occurs through the lodgement of a veto. In 2019–20, there were 2 types of vetoes possible in some jurisdictions in Australia:

1. **Identifying information vetoes** are used when a party to an adoption requested that identifying information was not to be released to any other party to the adoption.
2. **Contact vetoes** are used to create a legal requirement for a person receiving identifying information not to contact the other party. A contact veto can be lodged even if information about an adoption is never requested. The person who lodged a contact or information veto can lift the veto.

Access to each veto type varied across states and territories. In some states and territories, vetoes are valid only for adoptions that occurred before a particular date, or last only a set amount of time before needing to be renewed. Following the repeal of the contact veto scheme in Victoria in 2015, no contact statements remained in force in that state by 2019–20. See Appendix A, Section A3 for more information on how these vetoes work in each jurisdiction.

Nine contact and identifying information vetoes were lodged in 2019–20, the same number as lodged in the previous year (Table 3.17; AIHW 2019).

On 30 June 2020, 8,484 contact and identifying information vetoes were in place—a slight decline from the 8,527 in place as at 30 June 2019 (Table 3.17; AIHW 2019).

Table 3.17: Vetoes lodged during 2019–20 or in place as at 30 June 2020, by the person who lodged the veto

Measure	Adoptee	Adoptive mother	Adoptive father	Birth mother	Birth father	Other birth relative	Other adoptive relative	Total ^(a)
Contact vetoes								
Vetoes lodged during the year	3	—	—	3	1	1	—	8
%	37.5	..	0.0	37.5	12.5	12.5	..	100.0
Vetoes in place at 30 June	4,405	400	22	3,231	78	6	6	8,151
%	54.1	4.9	0.3	39.7	1.0	0.1	0.1	100.0
Identifying information vetoes								
Vetoes lodged during the year	—	—	—	1	—	—	—	1
%	..	..	..	100.0	..	..	..	100.0
Vetoes in place at 30 June	187	14	11	111	8	—	—	333
%	56.5	4.2	3.3	33.5	2.4	..	..	100.0
Total								
Vetoes lodged during the year	3	—	—	4	1	1	—	9
%	33.3	..	..	44.4	11.1	11.1	..	100.0
Vetoes in place at 30 June	4,592	414	33	3,342	86	6	6	8,484
%	54.2	4.9	0.4	39.4	1.0	0.1	0.1	100.0

(a) 'Total' includes 3 contact vetoes and 2 non-identifying information vetoes where the relationship of the person lodging the veto to the adoptee was unknown as at 30 June.

Notes

1. Percentages might not add to 100, due to rounding.
2. Percentages exclude instances where the relationship of the person lodging the veto to the adoptee was unknown.

Source: AIHW Adoptions Australia data collection.

The majority of contact and identifying information vetoes lodged in 2019–20 were lodged by the birth mother (44%), followed by the adoptee (33%). Of those vetoes in place as at 30 June 2020, 54% of contact and identifying information vetoes were lodged by the adoptee, and 39% by the birth mother.

In 2019–20, as in previous years, the number of applications for information (2,284) far exceeded the number of vetoes lodged against contact or the release of identifying information (9) (Table S26).

4 Adoption trends in Australia

Key findings:

- Adoption numbers declined 50% over the past 25 years—from 668 in 1995–96 to 334 in 2019–20. Since a low of 278 adoptions in 2015–16, there has been a rise of 20%. This increase is due to a 65% rise in known child adoptions between 2015–16 and 2019–20.
- The 249 known child adoptions in 2019–20 was the highest number of such adoptions in the past 20 years—representing a 322% increase over a low of 59 in 2003–04. This change is attributable to the increase in known child adoptions by carers, such as foster parents, which increased 584% since 2003–04 (from 25 to 171).
- From 2011–12 to 2019–20, the main country of origin for intercountry adoptions varied between the Philippines, Taiwan and South Korea.
- The median waiting time for an intercountry adoption was 2 years and 9 months in 2019–20. Previously, the median waiting time had peaked at 5 years and 4 months (64 months) in 2014–15, but has remained below 3 years since 2016–17.
- Of the 126 Indigenous Australian children adopted over the past 25 years, 39% involved adoptive parents who identified as Indigenous Australians.

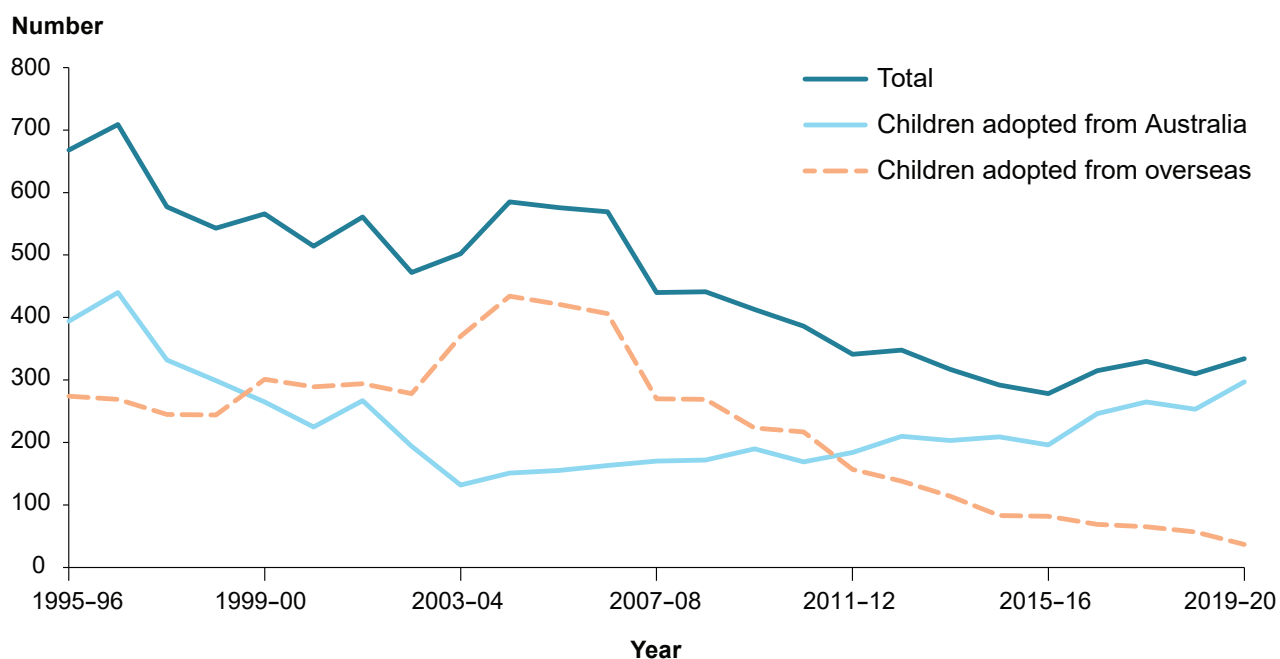
This chapter presents trend data for adoptions in Australia. Where possible, 25 years of data—back to 1995–96—are presented. Due to the small number of annual adoptions and the multiple years that can be involved in an adoption process, trend analyses over extended periods (such as those included in this chapter) can provide more robust and meaningful insights than analyses of change over shorter periods.

The number of finalised adoptions in Australia has fallen over the past 25 years. Overall, there was a 50% decline in the annual number of finalised adoptions since 1995–96, with a 13% decline over the past decade (Table S27; Figure 4.1). In 1995–96, 668 adoptions were finalised; by 2007–08, this had fallen to 440, and then to a low of 278 by 2015–16. After 2015–16, the number increased, with 334 adoptions finalised in 2019–20.

The fall in the overall number of adoptions from 1995–96 to 2003–04 was primarily driven by the falling number of domestic adoptions of Australian children (comprising local and known child adoptions) (Figure 4.1).

Between 1995–96 and 2003–04, the number of annual adoptions of Australian children fell from a high point of 440 to 132—a 70% decline. Since that lowest point, the combined total for local and known child adoptions slowly rose, before plateauing between 2012–13 and 2015–16, at approximately 200 per year. The number of adoptions of Australian children rose again from 2016–17 and reached 297 in 2019–20—the highest number in over 20 years (Table S27).

Figure 4.1: Adoptions, by child's origin, 1995–96 to 2019–20



Source: Table S27.

While the number of adoptions of Australian children fell overall by 25% over the 25-year period, it rose by 125% between 2003–04 and 2019–20 (Table S27). The main change from 2003–04 to 2019–20 was in New South Wales, with combined local and known child adoptions rising from 49 to 213 during this period. Changes were less pronounced in the remaining states and territories. There was a fall in the number of adoptions of Australian children in Victoria (from 34 in 2003–04 to 17 in 2019–20) and an increase in Western Australia (15 to 37) (tables S17 and S23).

During the 25-year period, the number of intercountry adoptions followed a different trend. With some fluctuations, the number of finalised intercountry adoptions slowly rose from 274 in 1995–96 to a peak of 434 in 2004–05. The number of finalised intercountry adoptions then began to steadily fall, reaching a low of 37 in 2019–20, representing the 15th consecutive year of decline. Travel restrictions associated with government responses to COVID-19 and the noted impact of the pandemic on visa applications likely contributed to the low number of intercountry adoptions finalised during 2019–20, and it is possible that some adoptions that would have otherwise been finalised during the year will appear in national data for subsequent years. However, even without the effects of COVID-19, it is likely intercountry adoption numbers in 2019–20 would have been lower than in 2018–19.

Across the 25-year period there was a substantial fall of 86% in the number of intercountry adoptions finalised—a 91% fall since the peak in 2004–05 (Table S27; Figure 4.1).

In 2019–20, there were more adoption orders finalised for Australian children (89%) than for children adopted through Australia's intercountry adoption program (11%). This has been the case since 2011–12, which was the first time this occurred in the period following 1998–99 (Table S27; Figure 4.1).

4.1 Trends in categories of adoption

Adoptions of Australian children

Although changes to the adoption categories in 1998–99 limit the amount of trend data available for local and known child adoptions, it is possible to report on long-term trends in domestic adoptions of Australian children using categories of relative and non-relative adoptions.

Adoptions by relatives comprise mainly step-parent adoptions, with a small number of adoptions by other relatives (such as grandparents, aunts and uncles), relative/kinship carers and commissioning (surrogate) parents also occurring each year. The number of Australian children adopted by relatives fell from 177 in 1995–96 to 34 in 2003–04. After this point, the number of adoptions by relatives fluctuated, ranging from 56 to 85 (with an average of 70 per year). There were 77 such adoptions in 2019–20.

Adoptions by non-relatives include adoptions by known carers, such as foster parents, and other non-relatives primarily through local adoption processes. The number of Australian children adopted by non-relatives generally fell between 1995–96 and 2006–07 (from 217 to 81, respectively). However, since 2006–07, the number of non-relative adoptions has gradually risen to a similar level seen at the start of the 25-year period—with 220 non-relative adoptions finalised in 2019–20.

Over the 25-year period, the number of adoptions by non-relatives remained higher than adoptions by relatives in every year except 2006–07 when similar numbers of both types of adoption occurred (81 and 82, respectively). Of Australian children who had an adoption order finalised in 2019–20, 74% were adopted by non-relatives (Table S28; Figure 4.2). Further information on domestic adoption trends are outlined in Box 4.1.

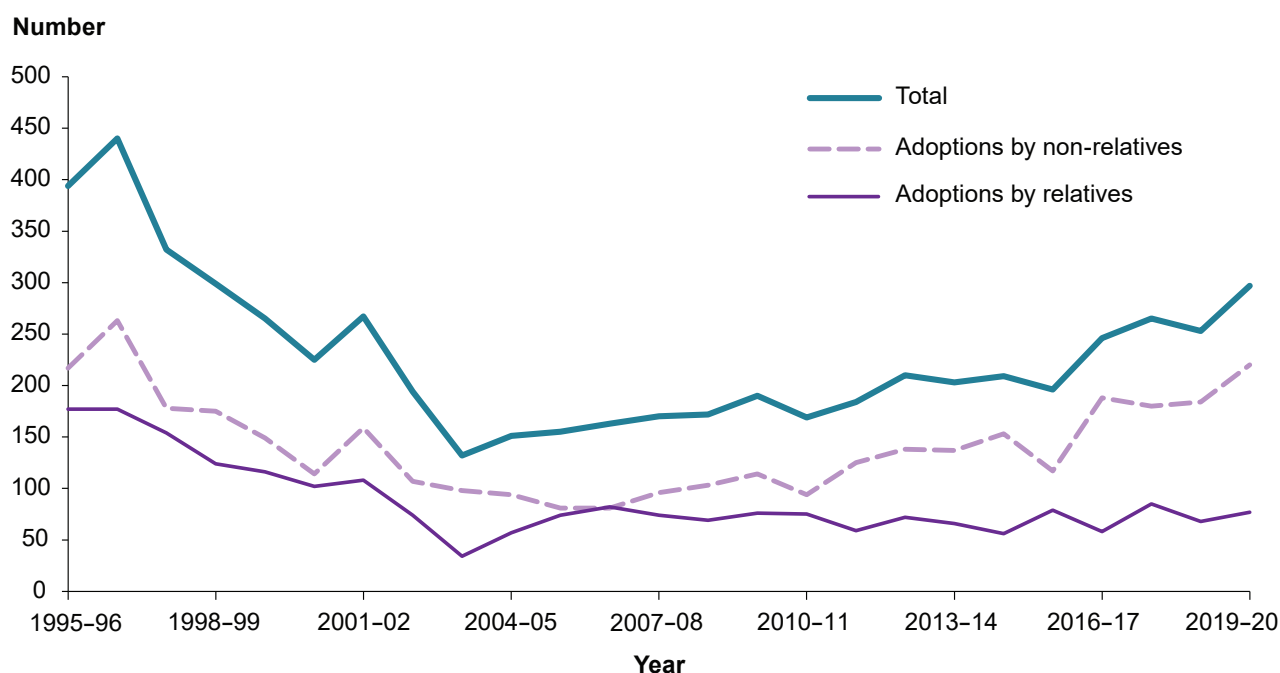
Box 4.1: What influences trends in domestic adoptions?

The overall fall in the number of adoptions of Australian children can be attributed to changing views in Australian society which have altered the circumstances in which adoption might be considered appropriate. Social trends, such as declining fertility rates, the wider availability of effective birth control, increased support for single parents, and the emergence of family planning centres (ABS 2010) are likely to influence the number of Australian children in need of adoption.

Legislative changes introduced by state and territory departments over the past 25 years that have supported a greater use of alternative legal orders also contribute to the decline. These orders, such as permanent care orders in Victoria that were introduced in 1992, transfer sole parental responsibility for a child to a person other than the parent (in most cases, to relatives or carers with whom the child is currently living), often replacing the need for adoption (see Appendix A, Section A1). Similarly, in Western Australia, protection orders (special guardianship) provide for parental responsibility to an individual, or 2 individuals jointly, for a child until the child turns 18. Section 4.3 provides data on long term orders used in Australia, such as those noted for Victoria and Western Australia.

Perhaps the most notable recent change to trends in adoptions of Australian children are the amendments in New South Wales that established a new hierarchy for child permanency planning. These amendments placed adoption as the highest preference (except in the case of an Aboriginal or Torres Strait Islander child or young person) when reunification with parent(s), or guardianship with family, kin or other suitable person is not practical or in the best interests of the child (see Section 1.2). The resulting increase in known child adoptions by carers is largely responsible for the upward trends noted, not only in adoptions by non-relatives, but also in the overall numbers of finalised adoptions in Australia.

Figure 4.2: Adoptions of Australian children, by relationship to adoptive parent(s), 1995–96 to 2019–20



Note: ‘Relatives’ comprise step-parents, other relatives (such as grandparents, aunts and uncles), relative/kinship carers and commissioning (surrogate) parents. ‘Non-relatives’ comprise carer (known child) adoptions and other non-relatives.

Source: Table S28.

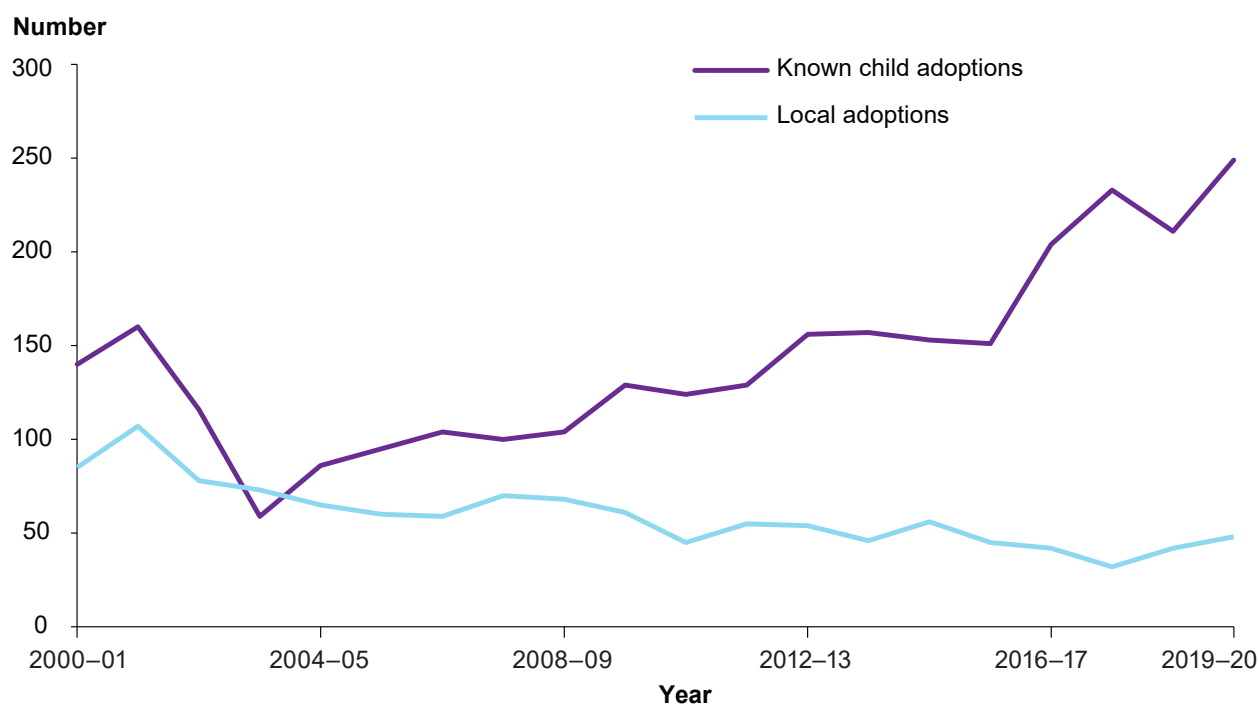
From 1998–99, adoptions of Australian children can be explored by categories of known child adoptions and local adoptions. Looking at a 20-year period from 2000–01 to 2019–20, the number of local adoptions gradually fell—from 85 in 2000–01 to 48 in 2019–20, with some fluctuations. In contrast, despite falling initially, the number of known child adoptions has increased since 2003–04, with a sharp rise in 2016–17 (Figure 4.3).

Between 2000–01 and 2019–20, the number of known child adoptions by step-parents has fluctuated, but remained relatively stable since 2004–05, with between 52 and 79 adoptions occurring in subsequent years. However, the proportion of all known child adoptions accounted for by these step-parent adoptions has generally shrunk, from a high of 77% in 2000–01 to a low of 28% in 2016–17. In 2019–20, step-parent adoptions accounted for 29% of known child adoptions (Table S25).

The proportion of known child adoptions by step-parents is directly influenced by the increase in carer (known child) adoptions towards the latter part of the 20-year period. Except for 2015–16, from 2011–12 to 2019–20, more carer (known child) adoptions were finalised than step-parent adoptions—with the known child adoptions by carers more than double those by step-parents in the most recent years (Table S25).

From the 29 known child adoptions by carers that occurred 20 years ago (in 2000–01), carer (known child) adoptions began to gradually increase around 2008–09. A sharp rise was seen in 2016–17 which was responsible for the similar rise seen in all known child adoption that year. The 171 known child adoptions by carers finalised in 2019–20 represented a 490% increase in this type of adoption since 2000–01 (Table S25).

Figure 4.3: Adoptions of Australian children, by known child or local adoption, 2000–01 to 2019–20



Sources: Tables S17 and S23.

Adoptions of children born overseas

In Australia, between 1999–00 and 2010–11, more intercountry adoptions were finalised each year than domestic adoptions of Australian children (local and known child adoptions combined).

Between 1999–00 and 2004–05, the proportion of all finalised adoptions accounted for by intercountry adoptions rose from 53% to 74%, with the highest number of intercountry adoptions finalised in 2004–05 (434). Intercountry adoptions then steadily declined, with 2019–20 marking the 15th consecutive year of decline (Table S27 and Box 4.2).

In the decade from 2010–11 to 2019–20, an average of 102 intercountry adoptions were finalised each year in Australia. At less than half this number, the 37 intercountry adoptions finalised in 2019–20 is indicative of the consistent long-term decline in such adoptions (Table S27).

This trend is similar to global trends in intercountry adoptions. A longitudinal study of 22 countries estimated that the global number of intercountry adoptions grew from 31,710 in 1998 to a peak of 45,288 in 2004 (Selman 2009). Numbers then fell by 36% between 2004 and 2010. This trend was consistent across most countries reviewed in the longitudinal study, with some exceptions—numbers rose in Canada and Italy through to 2009 (and continued to increase in 2010 in Italy) (Selman 2012).

Box 4.2: What influences trends in intercountry adoption?

The decline in intercountry adoptions is not unique to the Australian context—a two thirds decline in intercountry adoptions between 2004 and 2013 was also reported among other receiving countries (Mignot 2015).

The reasons for the decline are complex and varied. As economic stability and growth improve in traditional countries of origin, as their living standards increase, as their attitudes change about single parenthood and as their child protection systems and social policies improve, options within country to care for children unable to live with their birth family also improve; hence, intercountry adoption has come to be seen as a less desirable option for children who can be adequately cared for within their own country (Hilferty & Katz 2018; Mignot 2015).

In the contemporary intercountry adoption environment, those children considered to be in need of intercountry adoption generally include older children; sibling groups; and children with disabilities, developmental delays or complex medical and social backgrounds (PM&C 2014). As a result, eligibility criteria imposed by overseas countries for adopting children have become more stringent, leading to some families no longer being able to adopt or, if eligible, experiencing long waiting times (particularly if they are unwilling to parent a child with potentially complex needs).

Variations in the intercountry programs also contribute to changes in intercountry adoption trends:

- As at July 2018, Australia's programs with Bolivia and Fiji were on hold.
- Australia's program with India had also been on hold, but, after an announcement in August 2018, it has been reactivated on a small scale.
- Australia's program with Lithuania has been inactive, due to Lithuanian requirements.
- The program with Ethiopia closed on 28 June 2012 (DSS 2020c).
- Some countries of origin, such as Thailand, have restricted the number of applications they accept to help manage the large numbers of applications on their waiting lists.
- Other countries, such as Colombia, began accepting intercountry applications only for older children, sibling groups or children with special needs (with some exceptions for applicants with Colombian heritage).
- South Korea has a limited number of exit permits allocated to Australia for the purpose of intercountry adoption (IAA 2020b).

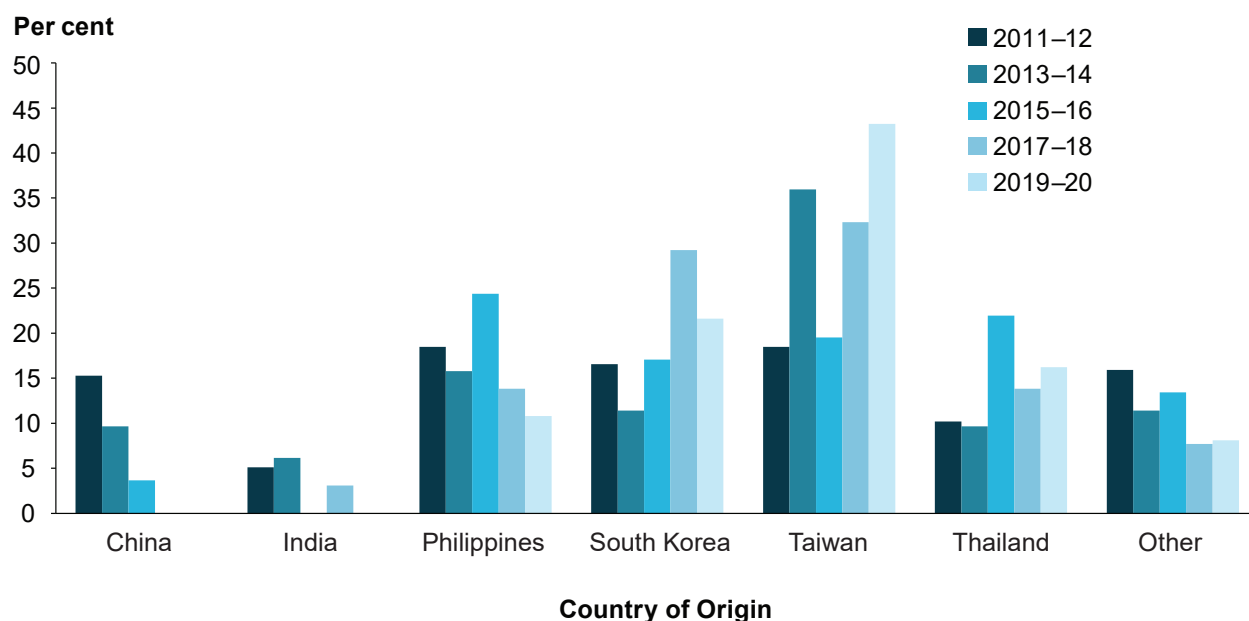
Country of origin

The number and proportion of finalised intercountry adoptions that can be attributed to particular countries of origin each year have fluctuated, and the main country of origin has changed over time. For example, between 2010–11 and 2019–20, the main country of origin varied between China, the Philippines, South Korea and Taiwan (Table S8). The proportion of adoptions from China declined substantially in that time, from its peak in 2010–11 (24%) to no adoptions in 2019–20.

Since 2010–11, annual proportions varied for the Philippines (with a low of 11% in 2019–20 and a high of 27% in 2014–15), Taiwan (12% in 2010–11 to 43% in 2019–20), Thailand (6% in 2010–11 to 22% in 2015–16) and South Korea (5% in 2014–15 to 30% in 2018–19) (see 'Asian countries of origin' later in this section, for further information on changing patterns of adoption from these countries) (Table S8; Figure 4.4).

These patterns generally relate to changes in the adoption program operating between Australia and the partner country, including decisions by either country to close or place a program on hold, or changes in the eligibility requirements for a program (generally based on the characteristics of the children in the country of origin for whom intercountry adoption is considered an appropriate option for their long-term care).

Figure 4.4: Intercountry adoptions, by child's country of origin, 2011–12 to 2019–20 (biennial)



Note: 'Other' includes Bolivia, Chile, Colombia, Ethiopia, Hong Kong, Lithuania, South Africa and Sri Lanka.

Source: Table S8.

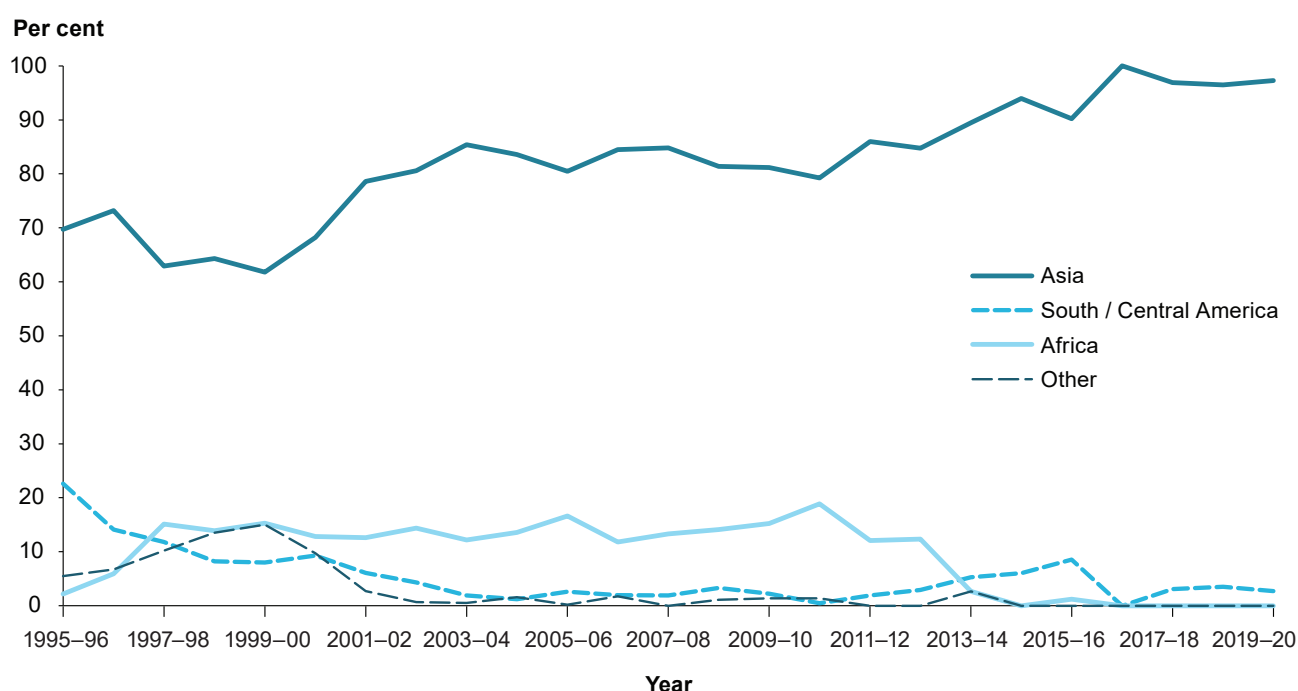
The majority of intercountry adoptions in Australia have consistently been from Asia. In 2019–20, the majority (97%) of finalised intercountry adoptions in Australia were from Asian countries.

The proportions of children adopted from Africa and South or Central America have changed over time. Since 2016–17, no adoptions from Africa have been finalised. This is a marked change from a decade earlier when 19% of finalised intercountry adoptions in 2010–11 came from African nations (Table S7; Figure 4.5). This is directly attributable to the closure of the Ethiopia adoption program in 2012. After peaking at 70 in 2005–06, finalised adoptions from Ethiopia declined to 3 in 2013–14, with no further adoptions being finalised through Australian authorities after this time (AIHW Adoptions Australia data collection).

The proportion of children adopted from South or Central American countries declined from the mid-1990s—from 12% of all intercountry adoptions in 1997–98 to less than 1% in 2010–11. The number of finalised adoptions from South or Central America had been rising between 2010–11 and 2015–16, due to the adoption of children from Colombia and Chile; however, there has been a combined total of just 5 adoptions from these countries over the past 4 years (Table S7; Figure 4.5).

Adoptions from Romania were responsible for the rise in adoptions from 'Other' countries between 1998–99 and 2000–01. Shortly after this period, Australia's program with Romania closed, in part due to changes in Romania's adoption law (AIHW 2009; Centre for Adoption Policy Studies 2002).

Figure 4.5: Intercountry adoptions, by child's region of origin, 1995–96 to 2019–20



Note: 'Other' comprises Europe, North America, and Oceania (excluding Australia).

Source: Table S7.

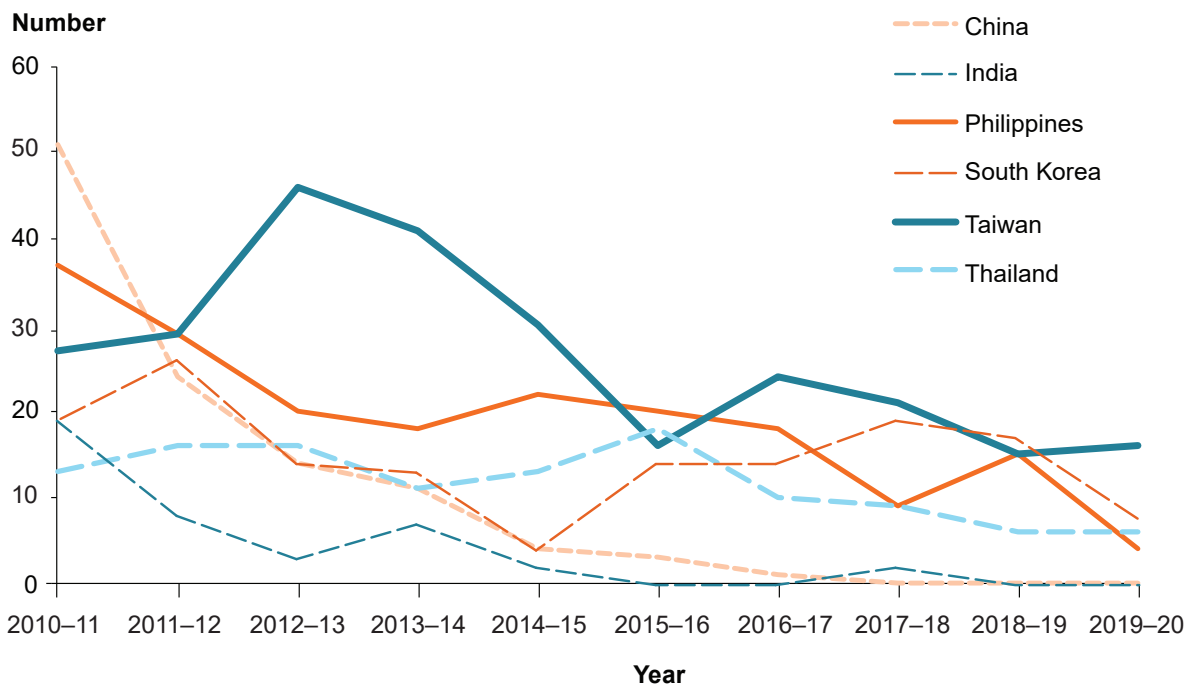
Asian countries of origin

There have been some notable changes among Asian countries of origin since the early 1990s. South Korea was the most common country of origin of annual finalised intercountry adoptions between 1991–92 and 2002–03. After Australia signed a bilateral agreement with China in 1999, the number of annual finalised adoptions from China rose from 15 in 2000–01 to 140 in 2004–05. China was the most common country of origin between 2003–04 and 2008–09 (AIHW 2010). However, with the introduction of more stringent regulations for foreign adoptions, and a greater emphasis on local adoption solutions when finding permanent homes for children in their country (Riley & Van Vleet 2012), adoptions from both countries have become less common.

Since the 51 finalised intercountry adoptions in 2010–11, adoptions from China declined dramatically, with just a single adoption finalised in 2016–17 and no adoptions in subsequent years. The number of adoptions from South Korea also fell—from 26 in 2011–12 to 4 in 2014–15. There was a brief period from 2015–16 to 2018–19 where the number rose again, with 14 to 19 adoptions from South Korea finalised each year during this period; however, in 2019–20, the number fell to 8 (Table S8; Figure 4.6).

Taiwan was the main country of origin between 2011–12 and 2014–15 (although it shared this position with the Philippines in 2011–12). In 2015–16, the Philippines was the main country of origin, shifting back to Taiwan in 2016–17 and 2017–18. In 2018–19, South Korea became the main country of origin for the first time since 2002–03, accounting for 17 of the 57 (30%) finalised intercountry adoptions, before this again shifted back to Taiwan, which accounted for 43% of finalised intercountry adoptions in 2019–20 (Table S8; Figure 4.6).

Figure 4.6: Intercountry adoptions, by selected countries of origin, 2010–11 to 2019–20



Source: Table S8.

Processing times

The median length of time from when a prospective adoptive parent became an official client of a state or territory adoption authority to when a child was placed in their care, steadily rose from 37 months (or just over 3 years) in 2007–08 to 64 months (more than 5 years) in 2014–15. After that, the median time then fell and has remained below 3 years since 2016–17 (Table 4.1). Several factors outside the control of Australian authorities can affect processing times (see Box 4.3).

The processing time between when applicants became official clients of departments to when an approval decision was made about their eligibility to adopt has remained largely consistent since 2007–08, at 8–12 months (10 months in 2019–20). The time from when an approval decision was made to when the file was sent overseas has varied, at 1–6 months over the same period (1 month in 2019–20).

The time between the file's being sent overseas and a child's being allocated—while historically being the consistently longest period in the recorded processes—dropped considerably, from a high of 37 months in 2012–13 to 7 months in 2019–20 (Table 4.1), although the median time for Thailand remained high (27 months) (Table 3.3). The time from when a child is allocated to when the child is placed with the adoptive parent(s) steadily rose—from a median of 3 months in 2007–08 to 9 months in 2019–20 (Table 4.1).

Table 4.1: Median length of time for the intercountry adoption process, by steps in the process, 2007–08 to 2019–20 (months)^(a)

Year	From when the applicant(s) became official clients of the department to when an approval decision was made	From when an approval decision was made to when the file was sent overseas	From when the file was sent overseas to when the child was allocated	From when the child was allocated to when the child was placed	Total length of process ^(b)
2007–08	10	3	19	3	37
2008–09	11	4	18	4	42
2009–10	10	3	18	5	45
2010–11	9	3	29	4	49
2011–12	8	4	30	5	56
2012–13	9	3	37	5	61
2013–14	9	6	27	6	60
2014–15	12	5	20	6	64
2015–16	10	5	12	7	41
2016–17	8	2	9	7	33
2017–18	9	2	9	8	35
2018–19	9	1	2	10	25
2018–19	10	1	7	9	33

(a) This table includes all children who were placed with their adoptive families from 2007–08 to 2019–20, by the length of time (in months) each process took before the child was placed.

(b) The overall median length of time in months from when the applicant(s) became official clients of the department to when the child was placed. It might not be equal to the sum of the preceding processes, due to rounding to the nearest whole month, and because of the nature of median calculations.

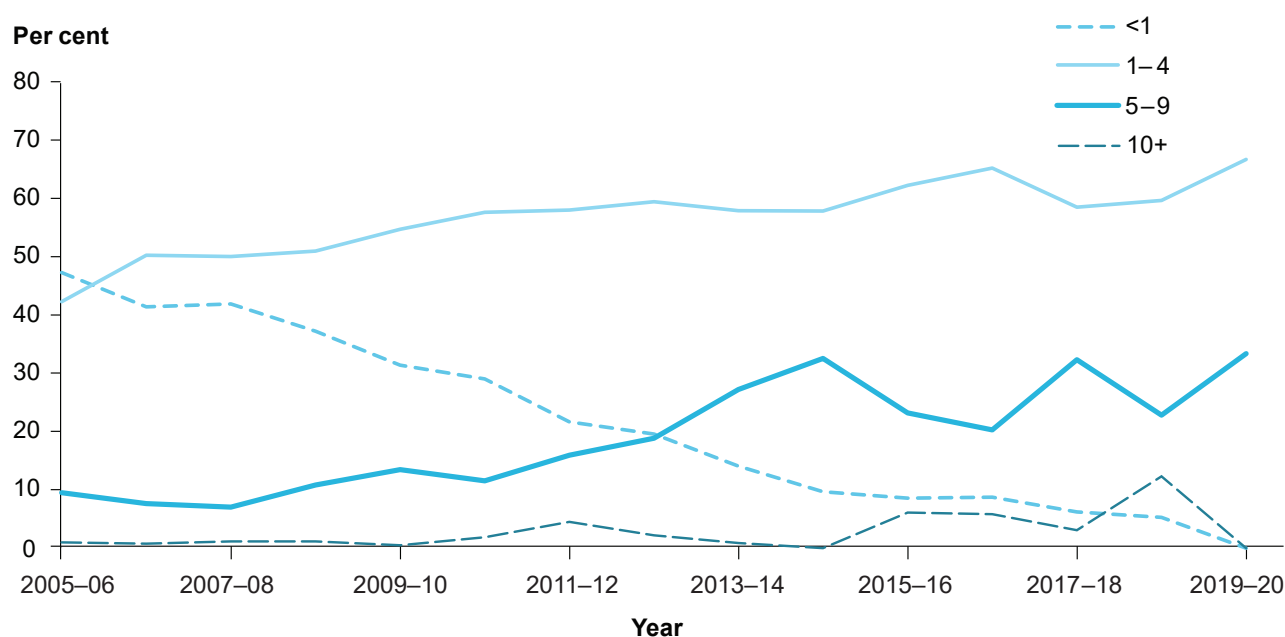
Source: AIHW Adoptions Australia data collection.

Adoptions of children aged under 5

While the *Adoptions Australia* report has previously reported on median processing times for infants (children under the age of 1), there were no intercountry placements of infants in 2019–20. In previous years, except for 2010–11, median processing times for infants have been consistently shorter than for all other age groups since 2008–09 (AIHW 2018). In 2019–20, the median processing time for children aged under 5 was shorter than that for children aged 5 and over (29 months and 39 months, respectively) (AIHW Adoptions Australia data collection).

The proportion of infant intercountry adoptees substantially declined from 47% in 2005–06 to 5% in 2018–19, with no infants among those intercountry adoptees whose orders were finalised in 2019–20 (Table S9; Figure 4.7). Several factors contributed to this trend. For example, the number of infants for whom intercountry adoption is considered appropriate can be affected by changing overseas domestic adoption practices, and the degree of acceptance of single motherhood in countries of origin. Falling fertility rates in key countries of origin, such as South Korea, are also likely to affect the number of infants needing adoption (Kenny et al. 2012; Selman 2009).

Figure 4.7: Intercountry adoptions, by age group of child, 2005–06 to 2019–20



Source: Table S9.

Box 4.3: What influences processing times for intercountry adoptions?

Several factors outside the control of Australian authorities can affect processing times, including the number and characteristics of children in need of intercountry adoption, the number of applications received and the resources of the overseas authority.

A growing proportion of children in need of intercountry adoption are considered to have special needs and more complex care requirements. The process for matching such a child with an appropriate carer can be more difficult than for children with less complex backgrounds, as there are relatively few prospective adoptive parents willing and able to provide suitable care for these children.

Several of Australia's partner countries have changed their intercountry adoption programs to meet this challenge. Some countries (such as China and Chile) have established separate programs specifically for adoption of children with special needs—including adoptions of older children and sibling groups. Countries have also adapted their eligibility criteria for prospective adoptive parents. In several countries, the maximum age for applicants applying to adopt older children or those with special needs is higher than for those applying to adopt other children (for example, China and Colombia) (IAA 2020b).

Based on available data, it is difficult to determine whether the specific adoption programs for children with special needs, and the broader range of prospective adoptive parents allowed under these programs, are reducing processing times. It is possible that these factors, combined with work by Australian adoption authorities in the earlier stages of the adoption process to educate prospective adoptive parents about the needs of children in these programs, are helping to improve the matching of appropriate parents with children.

Living arrangements of overseas adoptees 12 months later

Although most local and intercountry adoptions are successful, a minority of children are returned to (or enter into) state care, or are placed with new adoptive parents. When this happens after the child is placed in an adoptive home, but before the adoption is legally finalised, it is called 'disruption'. When it happens after the adoption is legally finalised, it is called 'dissolution' or 'post-order disruption' (see Box 4.4).

It is difficult to assess how often adoption dissolution or post-order disruption happens, because, after the adoption is legally finalised, adoptees are generally no longer a readily identifiable group within the community services data.

In Australia, for intercountry adoptees, data are available only on changes in living arrangements for adoptees within the first 12 months following an adoption placement. These data provide an incomplete, but approximate, measure of the incidence of adoption disruption, but not dissolution.

The data show that all intercountry adoptees placed for adoption in 2018–19 were still with their adoptive families 12 months later (excluding those placed in Western Australia, where data were not available and 3 adoptees from bilateral countries whose living arrangement was not known). A similar level of stability in intercountry adoption arrangements during the 12 months following placement can be seen since reporting on this measure began in 2011–12 (AIHW Adoptions Australia data collection).

Box 4.4: What does the research say about post-order disruption?

While not specific to adoption in the Australian context, a study in the United Kingdom reported a rate of about 3% for post-order disruption in England and Wales.

Several factors were found to increase the risk of adoption arrangements breaking down. The study found that the adolescent years posed the greatest risk to an adoption arrangement, with 10 times the risk of post-order disruption for children aged 11–18 than for children aged under 4.

The age of the adoptee at the time of placement was also an important factor. Children aged 4 and over at the time of placement were 13 times as likely to experience post-order disruption as those placed as infants. Taking longer than a year to finalise an adoption after placement, and adoptees having multiple care placements before adoption also increased the risk of post-order disruption (Wijedasa & Selwyn 2017).

Other adoption research suggests that disruptions are more common in adoptions involving risk factors, including:

- adoptions of children with special needs—such as older children; those with a history of physical abuse, sexual abuse, deprivation, and neglect; and those with emotional and behavioural problems
- failure to display a secure sense of attachment within the first 12–15 months
- parents having lack of prior foster care or adoption experience, limited or absent preparation, and access to only minimal information about the child's history (Beauchamp 2014; Liao 2016; Niemann & Weiss 2012; Selwyn et al 2014; Smith 2010).

Existing national adoptions data do not allow an assessment of post-order disruption in the Australian context (see 'Limitations of existing data' in the data quality statement at <https://meteor.aihw.gov.au/content/index.phtml/itemId/740629>).

Children with special needs and intercountry adoption

'Special needs' in the Australian adoption context is defined as the level of resources or support services required by the adoptee and/or their adoptive family to foster healthy development and wellbeing, to support positive family functioning, and to prevent adoption disruption (AIHW Adoptions Australia data set specification).

Many children with special needs might require long-term therapeutic and support services, and intensive parenting to promote secure attachments. This has implications for programs preparing and educating prospective parents, and those supporting adoptive parents and children after adoption.

While definitions of special needs vary between countries of origin, in general, older children (see Box 4.5), sibling groups, and those with a higher identified level of need represent a growing proportion of the children for whom intercountry adoption is used as an option to create permanent care arrangements (Mignot 2015).

Older children

Intercountry adoptees aged 1–4 at the time of placement with their adoptive family have represented the largest age group in finalised intercountry adoptions since the marked decline in infant adoptions after 2006–07, making up 50–67% of these adoptions. The proportion of intercountry adoptees aged 5–9 also increased during this same period, from 7% in 2007–08 to 33% in 2019–20 (Table S9).

The proportion of intercountry adoptees aged 10 and over has generally been much lower. Except for 2018–19, when it comprised 12% of intercountry adoptions, this age group of adoptees has generally represented 1–6% of finalised intercountry adoptions. In 2019–20, there were no intercountry adoptees aged 10 and over.

Box 4.5: Why do children adopted at an older age have additional needs?

Many prospective adoptive parents are seeking a younger child. In an independent review of Intercountry Adoption Australia, more than half of all respondents (54%) expressed a preference for a child under the age of 3 (Australian Healthcare Associates 2017). Finding a suitable adoptive family can therefore be more difficult for older children (Tan et al. 2007).

International research indicates concern among prospective adoptive parents and foster parents that older children will be more likely to have health and behavioural problems (Geiger et al. 2014; Malm & Welte 2010; Zhang & Lee 2011), and that they will not be able to create a meaningful bond with an older child, especially if a young person's parents are still in the picture (Grim et al. 2018). Higher rates of adoption breakdown are associated with children who are older at the time of adoption, particularly for those with a history of multiple placement in institutional or out-of-home care settings and a history of abuse or neglect (Beauchamp 2014; Selwyn et al. 2014; Wijedasa & Selwyn 2017).

For older intercountry adoptees, these problems are often compounded by an extended history of deprivation, with many likely to have spent long periods in poor quality institutional care. This complex background can make it harder for these children to find an adoptive family in their country of origin capable of providing the long-term therapeutic and intensive parenting they require. As a result, older children represent a growing proportion of the children for whom intercountry adoption is deemed to be appropriate (Spark et al. 2008).

Sibling adoptions

Sibling groups represent a growing proportion of the children for whom intercountry adoption is still used as an option to create permanent care arrangements (Mignot 2015). In line with the declining overall number of intercountry adoptions finalised each year, in general, the number of children adopted as part of sibling group adoptions has also declined—from 56 in 2005–06 (adopted as part of 27 sibling groups), to 4 in 2019–20 (adopted as part of 2 sibling groups). However, the proportion of children adopted through intercountry adoption who were adopted with 1 or more siblings has fluctuated—from a low of 9% in 2008–09 to a high of 28% in 2014–15—with the 4 children in 2019–20 representing 11% of intercountry adoptees with finalised adoption orders in the year (Table S13).

Level of need

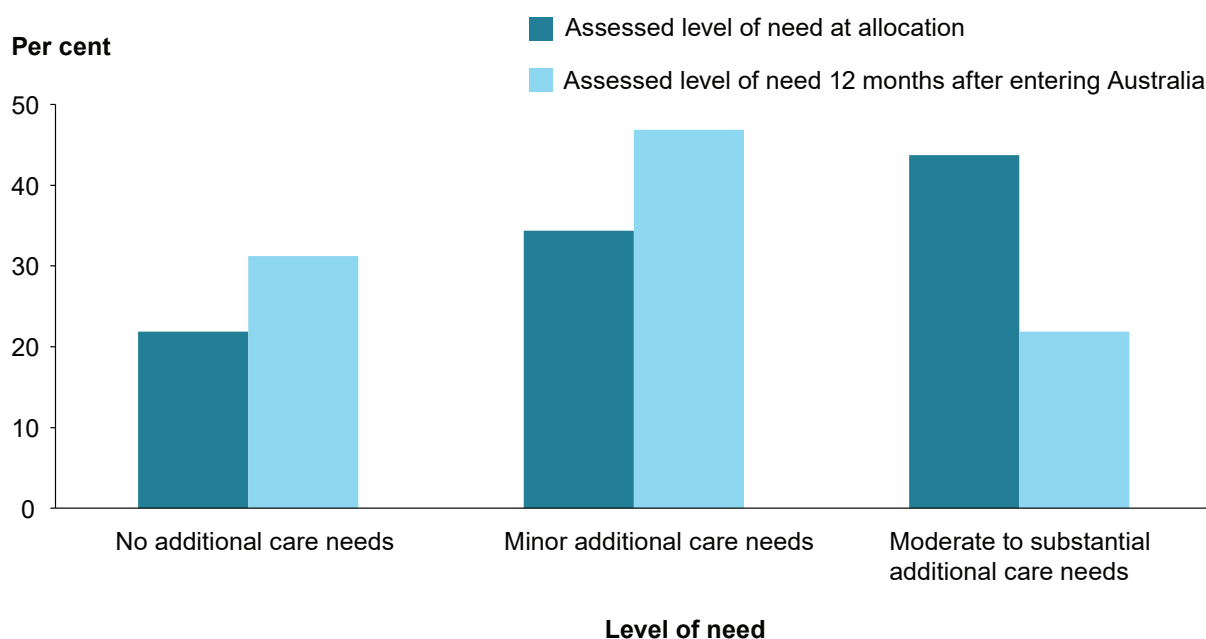
Special needs in the Australian adoption context can be explored through the perceived level of need of an adoptee and their adoptive family, compared with what would be expected for a family with an average, non-adopted child of similar age in the general population. 'Level of need' can be conceptualised on a continuum—from those adoptees and their families who do not require any additional resources or support to those who require regular and more intensive additional resources and supports.

Analyses of these data were possible for the first time in the Adoptions Australia report series in 2018–19 using information on intercountry adoptees who were placed with their adoptive families in 2017–18. Over time, longer trends will be examined, but exploration of these data is currently limited to the most recent 2 years.

The level of need of intercountry adoptees who enter Australia is measured at allocation (the time an adoptee was matched with their prospective adoptive parents) and 12 months after entering Australia (excluding adoptions for Western Australia for which these data were not available). For those placed in 2017–18, at the time the adoptees were matched with their prospective adoptive parents, 34% were classified as having moderate to substantial additional care needs and 31% classified as having minor additional care needs (AIHW 2019). By comparison, among those placed in 2018–19, 44% were classified as having moderate to substantial additional care needs and 34% classified as having minor additional care needs (Figure 4.8).

Twelve months after entering Australia, the proportion of adoptees reported as having moderate to substantial additional care needs fell to 9% for those placed in 2017–18, with more than half classified as having minor additional care needs (52%) (AIHW 2019). The proportion of adoptees classified as having moderate to substantial care needs 12 months after entering Australia also fell for those placed in 2018–19 (to 22%), with 47% classified as having minor additional care needs (Figure 4.8).

Figure 4.8: Children who entered Australia in 2018–19, by assessed level of need at allocation and 12 months after entering Australia



Source: Table S13.

The level of need of intercountry adoptees 12 months after entering Australia was also considered in relation to the type of intercountry adoption program through which the child was placed (Table 4.2). Of the 18 adoptees who were placed under adoption quotas in 2018–19, nearly three-quarters (72%) were classified as having minor additional care needs 12 months after entering Australia. This was different from those placed in 2017–18, where the majority (59%) were classified as having no additional care needs.

Of those not placed under adoption quotas in 2018–19, the majority (56%) were classified as having no additional care needs. Again, this differed from those placed in 2017–18. Of the 28 who were not placed under adoption quotas in 2017–18, three-quarters (75%) were classified as having minor additional care needs (AIHW 2019).

As was the case in 2017–18, the smallest number of placements in 2018–19 occurred under alternative referral programs. Unlike 2017–18 though, all those placed in 2018–19 through these programs were classified as having moderate to substantial additional care needs.

While informative, the data on the level of need of intercountry adoptees and their families are currently available only for the first 12 months after the adoptee entered Australia. Research has shown that even meticulous pre-adoption screening does not preclude complex needs emerging several years after an adoption occurred (Diamond et al. 2015).

Table 4.2: Children who entered Australia in 2018–19, by assessed level of need 12 months later and type of intercountry adoption program^(a)

Assessed level of need	Placements under adoption quotas		Placements not under adoption quotas		Placements through alternative referral programs	
	Number	%	Number	%	Number	%
No additional care needs	4	22.2	5	55.6	—	..
Minor additional care needs	13	72.2	2	22.2	—	..
Moderate to substantial additional care needs	1	5.6	2	22.2	4	100.0
Total	18	100.0	9.0	100.0	4	100.0

(a) Excludes adoptions from Western Australia and the Australian Capital Territory for which these data were not available.

Notes:

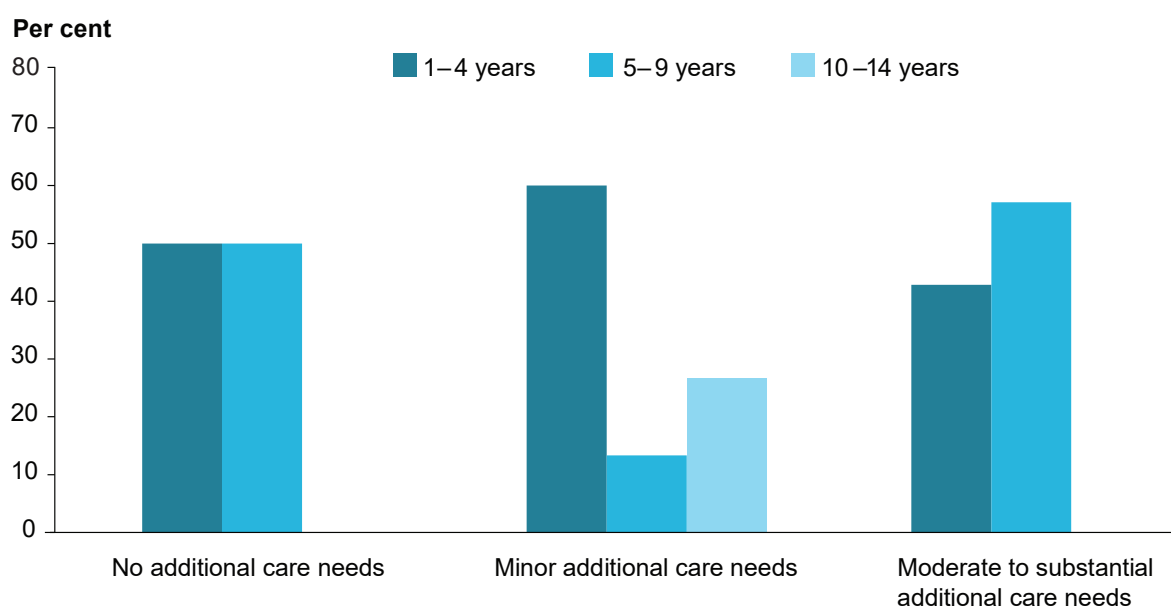
1. This table includes all Hague and bilateral intercountry adoptions through partner countries who entered Australia in the financial year before the current reporting period.
2. 'Level of need' is based on the assessment information available 12 months after the child entered Australia. Where available assessment information shows different levels of need, preference was given to the most recent assessment information.
3. The type of intercountry adoption program refers to the program through which the child placement occurred.

Source: AIHW Adoptions Australia data collection.

Of children with no additional care needs or moderate to substantial care needs placed in 2017–18, a majority of intercountry adoptees were aged 1–4 at the time of placement (74% and 60%, respectively) (AIHW 2019). For those placed in 2018–19, an equal proportion (50%) of those with no additional care needs were aged 1–4 and 5–9. For those with moderate to substantial care needs, 57% were aged 5–9 (Figure 4.9).

For children with minor additional care needs placed in 2017–18, the majority were aged 5–9 (50%) (AIHW 2019). In 2018–19, the majority (60%) in this level of need were aged 1–4 (Figure 4.9).

Figure 4.9: Children who entered Australia in 2018–19, by age of child and assessed level of need 12 months later



Note: Excludes adoptions from Western Australia and the Australian Capital Territory, for which these data were not available.

Source: Table S15.

National estimate of intercountry adoptees

National data for intercountry adoption is available back to 1979–80. These data can be used to generate a national count of the number of intercountry adoptees who have been placed with adoptive families in Australia since 1979–80. From this, it is possible to derive the approximate number of intercountry adoptees who would now be aged 18 and over (Table S29).

Over the last 2 decades, a growing body of research has begun to recognise the importance of considering adoption as a life-long experience (Field & Pond 2018). It has been argued that while adoption policy and practice rightly advocates for the ‘best interests of the child’, there has been less recognition of the changing needs of adoptees as they become adults and gain greater agency in voicing their own needs and interests (Walton 2012). Adult intercountry adoptees have become vocal advocates for the rights and needs of adoptees both in childhood and throughout life.

Research suggests that adoption has an enduring effect on adoptees. Adoptees can face challenges in areas of secure attachment, contributing to difficulties in forming satisfying interpersonal relationships later in life (Feeney et al. 2007; Field & Pond 2018). They can also experience issues related to identity formation that are unique to individuals who are adopted (Walton 2012). Many adoptees will seek to learn more about their origins. While the transition away from closed adoption practices in Australia to a system characterised by open exchange of information between parties to an adoption provides valuable supports to adoptees, these supports can be less complete for many intercountry adoptees. Intercountry adoptees often make return trips to their country of origin, seeking out their adoption agency in the hope of filling in some of these gaps, searching for their birth family and seeking to further connect with and experience their culture as an adult (Walton 2012).

As adoptees mature in adulthood, they need systematic and on-going post-adoption support. Providing a national estimate of adult intercountry adoptees in Australia aims to assist efforts, such as the ICAFSS, to support the needs of adoptees as children, teenagers and adults.

In Australia, from 1979–80 to 2018–19, approximately 9,070 children were adopted through intercountry adoption. Of these, it is estimated that 5,963 (66%) would have been aged 18 and over by 30 June 2020 (Table S29). An additional 1,056 adoptees were approaching adulthood—aged 15–17 as at 30 June 2020 (AIHW Adoptions Australia data collection). Of those adoptees aged 18 and over, nearly half (46%) were aged 30 and over—including 986 adoptees of unknown age who would have been a minimum of 30 years of age (Table S29).

4.2 Adoptions of Aboriginal and Torres Strait Islander children

The Aboriginal and Torres Strait Islander Child Placement Principle outlines a preference for placing Aboriginal and Torres Strait Islander children with Indigenous Australians when the child is unable to live with their family (Tilbury 2013), as long as it is in the best interests of the child. All states and territories have adopted the placement principle in policy and practice (see Box 4.6).

States and territories also have additional provisions in adoption legislation or regulations that help determine whether an adoption should be considered over other arrangements, such as the use of an alternative legal order. These provisions acknowledge that adoption is not part of Indigenous culture, and that the adoption of an Indigenous child should occur only when where there is no other appropriate alternative for the child.

Box 4.6: What is the Aboriginal and Torres Strait Islander Child Placement Principle?

The placement element of the Principle sets a hierarchy of preferred options for caregivers of Aboriginal and Torres Strait Islander children who are unable to live with their family. The hierarchy is designed to ensure that the highest possible level of connection to family, community, culture and country is maintained for an Indigenous child.

The hierarchy of placements is as follows:

- with Indigenous or non-Indigenous relatives or extended family members (kin)
- with Indigenous members of the child's community
- with Indigenous family-based carers.

These 3 options are preferred placement types. If these are not available, as a last resort, the child may be placed in:

- another care arrangement (such as with a non-Indigenous carer or in a residential setting).

If the child is not living with their relatives or kin (that is, level 1 in the hierarchy), the placement must be within close geographic proximity to the child's family (SNAICC 2018).

Limited national data on the application of the placement and connection elements of the Principle are available for 5 nationally agreed indicators (AIHW 2020). In relation to the application of the principle in cases of adoptions of Indigenous children, only data on the placement outcome of adoption decisions involving them can be reported.

The number of Indigenous Australian children who are adopted each year is typically small. In 2019–20, 12 Indigenous children had adoption orders finalised in Australia, equal to the number in 2018–19 and the highest number of finalised adoptions of Indigenous children in the past 25 years.

Of these children, 4 were adopted by Indigenous Australians, and 8 by non Indigenous Australians. Of those adopted by non-Indigenous Australians, 7 were adopted through known child adoptions, where the adoptee had a pre-existing relationship with the adoptive parent(s), and was generally not able to be adopted by anyone other than the adoptive parent(s) (AIHW Adoptions Australia data collection).

Due to the small number of adoptions involving Indigenous children each year, it is difficult to identify trends. Since 1995–96, 126 Indigenous children have been adopted, with 39% adopted by Indigenous Australians, and 61% adopted by other Australians (Table 4.3).

Table 4.3: Indigenous children adopted, by Indigenous status of adoptive parent(s), 1995–96 to 2019–20

Year	Indigenous Australian	Other Australian	Total
1995–96 to 1999–00	12	11	23
2000–01 to 2004–05	6	11	17
2005–06 to 2009–10	18	5	23
2010–11 to 2014–15	5	18	23
2015–16 to 2019–20	8	32	40
Total	49	77	126
%	38.9	61.1	100.0

Notes

1. Adoptive parents are included in the 'Indigenous Australian' category when at least 1 of the parents identified as Aboriginal or Torres Strait Islander. Where the Indigenous status of both parents was not known, the adoption was included in the 'Other Australian' category.
2. The Indigenous status of children and adoptive parent(s) is not always available for adult adoptees.
3. Adoptions by 'Other Australians' can include known child adoptions by step-parents, other relatives, and carers who are not Indigenous but who have a pre-existing relationship with the adoptee that enables the adoption to occur.

Source: AIHW Adoptions Australia data collection.

Since 1995–96, around 3 in 5 (57%) of all adopted Indigenous children were adopted through known child adoptions. The remaining 43% of children were adopted through local adoptions where they did not have a previous relationship with the adoptive parents (Table 4.4).

More than half (56%) of local adoptions and 26% of known child adoptions of Indigenous children involved at least 1 adoptive parent who identified as Indigenous.

Table 4.4: Indigenous children adopted, by Indigenous status of adoptive parent(s) and type of adoption, 1995–96 to 2019–20

Year	Known child adoption			Local adoption		
	Indigenous Australian	Other Australian	Total	Indigenous Australian	Other Australian	Total
1995–96 to 1999–00	3	—	3	9	11	20
2000–01 to 2004–05	2	6	8	4	5	9
2005–06 to 2009–10	7	2	11	11	3	14
2010–11 to 2014–15	3	16	19	2	2	4
2015–16 to 2019–20	4	29	33	4	3	7
Total	19	53	72	30	24	54
% of all Indigenous adoptions	15.1	42.1	57.1	23.8	19.0	42.9

Notes

1. Adoptive parents are included in the 'Indigenous Australian' category when at least 1 of the parents identified as Aboriginal or Torres Strait Islander. Where the Indigenous status of both parents was not known, the adoption was included in the 'Other Australian' category.
2. The Indigenous status of children and adoptive parent(s) is not always available for adult adoptees.
3. Known child adoptions by 'Other Australians' can include adoptions by step-parents, other relatives, and carers who are not Indigenous but who have a pre-existing relationship with the adoptee that enables the adoption to occur.

Source: AIHW Adoptions Australia data collection.

4.3 Alternatives to local and known child adoptions

The importance of achieving permanency and stability for children and young people in out of home care has been widely recognised, and this has been reflected in jurisdictional changes in policy and legislation across Australia (AIHW 2016).

These changes have focused on early planning for permanency, including decisions about the appropriateness of reunification or alternative long-term care arrangements. Alternative arrangements include carer (known child) adoption, and care and protection orders that transfer guardianship and custody to carers (Box 4.7).

Box 4.7: What are third-party parental responsibility orders?

Third-party parental responsibility orders transfer all duties, powers, responsibilities and authority to which parents are entitled by law to a nominated person(s) whom the court considers appropriate. The nominated person might be an individual, such as a relative, or an officer of the state or territory department. Finalised third-party parental responsibility orders can be long term or short term.

The granting of a third-party parental responsibility order is usually the final step in the process of permanent family placement for children who have been abused or neglected, or who are in need of care and protection for other reasons, and are unable to remain safely within the birth family. Third-party parental responsibility orders aim to provide an opportunity for the child to develop a stable, caring relationship with nurturing caregivers, without severing the tie with the biological family.

Unlike adoption, permanent care orders do not lead to the issuing of a new birth certificate for a child; they have an expiry date (generally when the child turns 18) and, in some instances, allow carers to access financial assistance from the government to help with caring expenses.

Over the 5-year period to 2016–17, the total number of third-party parental responsibility orders issued in Australia rose by 54%, from 1,058 to 1,627 (Table 4.5). The largest increases occurred in New South Wales (a 137% rise, from 377 to 892) and Victoria (an 81% rise, from 267 to 482). Western Australia had a smaller rise, while the numbers fell in Queensland, South Australia, Tasmania and the Australian Capital Territory.

The total number of orders issued for 2017–18 is not comparable with numbers for previous years, as comparable data from New South Wales were unavailable. For the states with comparable data, the number of orders issued rose between 2012–13 and 2017–18 for Victoria, Western Australia and South Australia, and declined in the other states.

The 1,364 orders issued in 2018–19 represented a fall of 18% from the peak of 1,661 orders issued in 2015–16, with a drop in the number of orders issued apparent in every state except South Australia.

Table 4.5: Third-party parental responsibility orders issued, by state and territory, 2013–14 to 2017–18

Year	NSW	Vic	Qld	WA	SA	Tas ^(a)	ACT	NT	Total
2012–13	377	267 ^(b)	213	97	27	60	17	..	1,058
2013–14	381	302	195	71	31	40	12	..	1,032
2014–15	n.a.	290	263	84	14	22	12	..	685 ^(c)
2015–16	764	507	222	101	18	27	22	..	1,661
2016–17	892	482	88	115	21	19	10	..	1,627
2017–18	n.a.	429	106	137	50	15	7	..	744 ^(d)
2018–19	656	441	112	74	47	20	14	..	1,364

(a) Data for Tasmania might not be comparable year to year, due to issues with the recording of order status.

(b) Data for Victoria in 2012–13 are from the Adoptions Australia data collection; other data in the table are from the Child Protection Australia data collection.

(c) Data for New South Wales were not available for 2014–15, so that year is not comparable with other years included in this table.

(d) New South Wales implemented a new client management system in 2017–18, and provided limited data. With the new system, New South Wales is making efforts to improve quality and completeness of data to have a comprehensive set of data for future reporting. So, 2017–18 is not comparable with other years included in this table, and has been excluded.

Note: Before 2013–14, third-party parental responsibility orders were reported as finalised guardianship or custody orders for Victoria.

Source: AIHW Child protection Australia data collection 2013–14 to 2018–19.

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- Department of Justice and Community Safety, Victoria
- Department of Child Safety, Youth and Women, Queensland
- Department of Communities, Western Australia
- Department for Child Protection, South Australia
- Department of Communities, Tasmania
- Community Services Directorate, Australian Capital Territory
- Department of Territory Families, Housing and Communities, Northern Territory.

The Australian Institute of Health and Welfare is a statistical agency; enquiries from people wishing to adopt or find out more about the adoption process in Australia should be directed to the departments in their relevant state or territory, or to Intercountry Adoption Australia at:

www.intercountryadoption.gov.au.

Abbreviations

ACT	Australian Capital Territory
AIHW	Australian Institute of Health and Welfare
DSS	Department of Social Services
Hague Convention	Hague Convention on Protection of Children and Co operation in Respect of Intercountry Adoption
NSW	New South Wales
NT	Northern Territory
Qld	Queensland
SA	South Australia
Tas	Tasmania
UN Convention	United Nations Convention on the Rights of the Child
Vic	Victoria
WA	Western Australia

Symbols

—	nil or rounded to zero
..	not applicable
n.a.	not available
n.p.	not publishable because of small numbers, confidentiality or other concerns about the quality of the data
<	fewer than

Glossary

Aboriginal or Torres Strait Islander person: A person of Aboriginal or Torres Strait Islander descent who identifies as an Aboriginal or Torres Strait Islander. Where a person's Indigenous status is unknown, that person is included in the 'Other Australian' category.

adoptee: The children and adults who have been the subject of **an adoption order**. Also known as **adopted children** and **adopted persons**.

adoption: The legal process by which a person legally becomes a child of the **adoptive parent(s)**, and legally ceases to be a child of his/her existing parent(s).

adoption authority: An agency authorised under adoption legislation to decide on the placement of an adoptive child. In Australia, adoptions can be arranged by state and territory departments responsible for adoption, or by an authorised non-government agency. There are 2 categories of authorities: **government arranging body** and **non-government arranging body**.

adoption compliance certificate: A certificate defined by both the Family Law (Hague Convention on Intercountry Adoption) Regulations 1998 and the Family Law (Bilateral Arrangements—Intercountry Adoption) Regulations 1998. This is a document issued by competent authorities in the overseas country where the child was adopted that affirms that the adoption is made either under the **Hague Convention** or the country's laws and, in the case of a Hague adoption, that the relevant authorities have agreed to the adoption.

adoption order: A judicial or administrative order, made by a competent authority under adoption legislation, by which the **adoptive parent(s)** become the legal parent(s) of the child.

adoptive parent: 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 when the **adoption order** for the child was granted. For **local adoptions** and **intercountry adoptions**, the age at which the child is placed with the adoptive family. Age is calculated from date of birth, in completed years.

applicant: A married couple, a de facto couple or a single person. The method by which the applicant becomes an official client will vary for each jurisdiction, and might be when the department first opens a file, when the applicant registers, or when the applicant is invited to attend an information session. For this report, applicants who are already a client of the department but are applying to adopt a subsequent child, or reapplying to adopt, are counted as applicants applying for the first time.

bilateral adoption: An **intercountry adoption** from a country with which Australia had an active intercountry adoption program, but where the **Hague Convention** had not entered into force before the file of the applicant(s) was sent.

carer (known child adoption): Foster parent or other non-relative who has been caring for the child and has had the responsibility for making decisions about the daily care and control of the child for the relevant period (as specified by the relevant state/territory department) before the adoption.

central authority: An officially designated body with specific obligations under the **Hague Convention**; all countries that are party to this convention on **intercountry adoption** must have such a body. The Australian Central Authority is the Australian Government Department of Social Services. As Australia is a federation, a central authority has also been designated in each state and territory.

closed (program status): Where the intercountry program is not accepting new applications, and had been officially closed by the Australian Government.

country of origin: The usual country of residence of the child being adopted. This is generally the country of birth of a child.

de facto relationship (adoptive parents): An arrangement where 2 adoptive parents, who are not legally married, live together in a de facto relationship as defined by the state or territory in which they live.

dispensation: 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.

disruption: An adoption process that ends after the child is placed in an adoptive home, and before the adoption is legally finalised. This results in the child's return to (or entry into) foster care or placement with new **adoptive parent(s)**.

dissolution: An adoption process in which the legal relationship between the **adoptive parent(s)** and adoptive child is severed, either voluntarily or involuntarily, after the adoption is legally finalised. This results in the child's return to (or entry into) foster care or placement with new adoptive parent(s).

expatriate adoption: A specific type of adoption that occurs when an Australian citizen or permanent resident living abroad for 12 months or more adopts a child through an overseas agency or government authority. Australian adoption authorities are not responsible for expatriate adoptions, and do not assess nor approve applicants for such adoptions.

finalised adoption: An **adoption order** that was completed during the reporting period. This includes orders that were made in Australia and, in the case of some **intercountry adoptions**, where the full adoption order was made in the **country of origin**. The way in which an adoption is finalised depends on the process used in the country of origin and the procedures of the state or territory department responsible for adoption in Australia.

full adoption order in child's country of origin: An adoption in the child's **country of origin** made by an order that creates, between the child and the **adoptive parent(s)**, the relationships of parent and child, and that severs the relationship between the child and the parents.

government arranging body: A state or territory department (see 'Acknowledgments') or another government authority authorised under adoption legislation to decide on the placement of an adoptive child.

guardianship/custody order (parental responsibility order): An order that involves the transfer of legal guardianship from the child's parents to the relevant state or territory department or minister, or non-government agency. Such an order involves considerable intervention in the child's life and that of their family, and is sought only as a last resort.

A **guardianship order** conveys responsibility for the welfare of the child to the guardian (for example, about the child's education, health, religion, accommodation, and financial matters). It does not necessarily grant the right to the daily care and control of the child, or the right to decide on the daily care and control of the child, which are granted under custody orders.

A **custody order** generally places children in the custody of the state or territory minister, or department responsible for child protection, or non-government agency. This order usually makes the child protection department responsible for the daily care and requirements of the child, while the parent retains legal guardianship. Custody alone does not necessarily bestow any responsibility for the long-term welfare of the child. This might vary with each individual jurisdiction's guardianship and custody orders.

guardianship order in child's country of origin: An order made in the child's country of origin that creates a custodial relationship between the adoptive parent(s) and the child, but does not create the relationship of parent and child. In these cases, the parent-child link between the parent and the child is not severed. The child enters Australia under a guardianship order, and the full adoption order is made in Australia or the child's country of origin.

Hague adoption: An **intercountry adoption** where the adoptive child's **country of origin** has ratified or acceded to the **Hague Convention**, and the file of the applicant(s) was sent after the Hague Convention entered into force in that country (see Appendix B).

Hague Convention (intercountry adoption): A convention—specifically, the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption—that establishes standards and procedures for adoptions between countries. The Hague Convention includes legally binding safeguards, and a system of supervision, and establishes channels of communication between countries. It came into force in Australia on 1 December 1998.

An intercountry adoption is classified as a **Hague adoption** or **bilateral adoption**.

inactive (program status): Where the intercountry program had not been officially closed, but applications could not be sent, due to requirements by the overseas country (for example, the adoption pathways offered might be currently unavailable to Australian prospective parents).

Indigenous Australian: A person of Aboriginal or Torres Strait Islander descent who identifies as an Aboriginal or Torres Strait Islander. Where a person's Indigenous status is unknown, that person's Indigenous status may be reported as either 'unknown' or, where they are included with non-Indigenous Australians, 'Other Australian'.

intercountry adoption: An adoption of a child/children from countries other than Australia with which Australia has an official adoption program who may legally be placed for adoption, but who generally have had no previous contact with the **adoptive parent(s)**. There are 2 categories of intercountry adoptions: **Hague adoption** and **bilateral adoption**. There are 2 arrangements for intercountry adoptions: **full adoption order in child's country of origin**, and **guardianship order in child's country of origin**.

known child adoption: An adoption of a child/children who were born or permanently living in Australia before the adoption, who have a pre-existing relationship with the **adoptive parent(s)**, and who are generally not able to be adopted by anyone other than the adoptive parent(s). These types of adoptions are broken down into the following categories, depending on the child's relationship to the adoptive parent(s): **step-parent**, **relative(s)**, **carer**, and **other**.

local adoption: An adoption of a child/children born or permanently living in Australia before the adoption, who are legally able to be placed for adoption, but who generally have had no previous contact or relationship with the **adoptive parent(s)**.

marital status of adoptive parent(s): Applicable status at the time the child is placed with the adoptive parent(s), using 1 of the following categories: **registered marriage**, **de facto relationship** and **single**.

marital status of birth mother—married: The classification of the birth mother if she was legally married (regardless of whether she is married to the birth father) at the time of the child's birth. In situations where the birth mother's legal marital partner died before the birth, the birth mother is still classified as married.

marital status of birth mother—unmarried: The classification of the birth mother if she was not legally married at the time of the child's birth (except in circumstances where the birth mother's legal marital partner died before the birth). This includes situations where the birth mother was living in a **de facto relationship**.

minor additional care needs (special needs): Children who generally require a level of personal, emotional and physical care that is consistent with what would be expected for their age group. On most occasions, the resources and supports for the child and their family are comparable to those expected for a family with an average, non-adopted child of similar age in the general population, but the child's adoption history results in short-term or irregular periods where additional resources and supports are required for the child and/or their family.

moderate to substantial additional care needs (special needs): Children who regularly require a level of personal, emotional and/or physical care that is beyond what would be expected for their age group. On a regular and frequent basis, the resources and supports for the child and their family are greater than those expected for a family with an average, non-adopted child of similar age in the general population. Areas of additional need might include, but are not limited to:

- children (on an ongoing basis): requiring abnormal amounts of attention and affection, or high levels of routine and structure due to trauma/attachment issues; displaying (on an ongoing basis) aggressive behaviours, enuresis and encopresis; stealing; or sleeping difficulties
- children (beyond usual age expectations) requiring assistance with dressing, bathing, toileting, feeding, mobility
- regular physical therapy
- regular medication for a diagnosed condition that requires skill and training to administer, or is needed to allow significantly improved day-to-day functioning
- medical need for special dietary restrictions
- frequent hospital or specialist appointments
- ongoing high support special education programs.

no additional care needs (special needs): Children who regularly require a level of personal, emotional and physical care that is consistent with what would be expected for their age group. On a day-to-day basis, the resources and supports for the child and their family are essentially the same as would be expected for a family with an average, non-adopted child of similar age in the general population.

non-government arranging body: An agency approved to undertake adoption arrangements in Australia that is not owned or controlled by the Australian Government or by a state or territory government. Such agencies might include church organisations, registered charities, non-profit organisations, companies and cooperative societies and associations.

non-Hague adoption: An adoption from a country with which Australia did not have an active intercountry adoption program, and where the **Hague Convention** had not entered into force before the file of the applicant(s) was sent.

on hold (program status): Where the intercountry program was not accepting new applications, but had not been officially closed. This might occur while a review of, or changes to, the adoption legislation, principles, or processes in the overseas country are in progress.

open (program status): Where the intercountry program was accepting new applications at some point during the 12-month period before the current reporting period.

other (known adoption): An adoption for a child/children adopted by the commissioning (surrogate) parent(s), whether the commissioning parent(s) is/are a relative or not.

partner country: A country with which Australia had a current **intercountry adoption** program at the time the file of the applicant(s) was sent.

permanent care order: An order granting permanent guardianship and custody of a child to a third party. Unlike **adoption orders**, permanent care orders do not change the legal status of the child, and they expire when the child turns 18 or marries. An application may be made to revoke or amend a permanent care order.

The granting of a permanent care order is usually the final step in the process of permanent family placement for children who have been abused or neglected, or who are in need of care and protection for other reasons, and are unable to remain safely within the birth family.

placement: The act of placing a child/children with their adoptive family (that is, for **local adoptions**, the child is taken into the care of the prospective adoptive parent(s), and for **intercountry adoptions**, the child enters Australia) during the reporting period, regardless of the status of their adoption order.

program status: The status of Australia's intercountry adoption program with a given country of origin in the 12-month period before the current reporting period using 1 of the following categories: **open**, **inactive**, **on hold** and **closed**.

prospective adoptive parent(s): A person who has applied or intends to apply to adopt a child through a relevant authority. This also includes current carers of children who are undergoing proceedings to adopt a foster child, and **step-parents** who intend to adopt their partner's child.

registered marriage (adoptive parents): The status of 2 adoptive parents who are legally married to each other and living together at the time the child is placed with them.

relative(s) (known adoption): Any relative(s) of the child being adopted, as defined by the *Family Law Act 1975*, other than **step-parents**. For Indigenous children, a relative includes anyone related through kinship arrangements.

single (adoptive parents): The status of an **adoptive parent** who is not legally married nor living in a **de facto relationship** (might include widowed parents).

special needs: Special needs in the Australian adoption context is defined as the level of resources or support services required by the **adoptee** and/or their adoptive family to foster healthy development and wellbeing, to support positive family functioning, and to prevent adoption disruption. Special needs are looked at through a continuum of level of need that is broken down into the following categories: **no additional care needs**, **minor additional care needs** and **moderate to substantial additional care needs**.

step-parent (known adoption): A category of known adoption that includes a non-biological parent who is the spouse of the child's birth or adoptive parent. Foster parents are not included in this category.

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Related publications

This report, *Adoptions Australia 2019–20*, is part of an annual series. Earlier editions can be downloaded free from the AIHW website. The website also includes information on ordering printed copies: www.aihw.gov.au/reports-statistics/health-welfare-services/adoptions/reports.

Additionally, a snapshot of the main findings for the current year, fact sheets, supplementary data tables, and interactive data displays can be found at <https://www.aihw.gov.au/reports-data/health-welfare-services/adoptions/overview>

The following AIHW publications about children, youth and families might also be of interest:

- AIHW 2020. The Aboriginal and Torres Strait Islander Child Placement Principle Indicators 2018–19: measuring progress. Cat. no. CWS 77. Canberra: AIHW.
- AIHW 2019. Australia's welfare 2019: in brief. Cat. no. AUS 227. Canberra: AIHW.
- AIHW 2019. Child protection Australia 2018–19. Child welfare series no. 72. Cat. no. CWS 74. Canberra: AIHW.
- AIHW 2019. The views of children and young people in out-of-home care: overview of indicator results from a pilot national survey 2018. Cat. no. CWS 68. Canberra: AIHW.
- AIHW 2018. Family, domestic and sexual violence in Australia 2018. Cat. no. FDV 2. Canberra: AIHW.
- AIHW 2018. Young people in child protection and under youth justice supervision: 1 July 2013 to 30 June 2017. Data linkage series no. 24. Cat. no. CSI 26. Canberra: AIHW.
- AIHW 2017. Children admitted to out-of-home care 2014–15. Bulletin no. 142. Cat. no. AUS 217. Canberra: AIHW.
- AIHW 2016. Permanency planning in child protection. Child welfare series no. 64. Cat. no. CWS 58. Canberra: AIHW.
- AIHW 2016. Vulnerable young people: interactions across homelessness, youth justice and child protection—1 July 2011 to 30 June 2015. Cat. no. HOU 279. Canberra: AIHW.



Adoptions Australia 2019–20, the 30th report in the series, covers the latest data on adoptions of Australian children and children from overseas, and highlights important trends in the number of adoptions dating back to 1995–96. Data cover characteristics of adopted children, their parents and adoptive families, as well as applications and vetoes for contact and information exchange.

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