



Department of Communities and Justice | Legal
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www.facs.nsw.gov.au

7 August 2020

[REDACTED]

Email: [REDACTED]

Our Ref: [REDACTED]

Dear [REDACTED]

Formal Access Application - Notice of Decision

I refer to your access application lodged with the Department of Communities and Justice (the Department) pursuant to section 41 of the *Government Information (Public Access) Act 2009* (GIPA Act), which was considered valid as at 18 February 2020.

Your application

I note you originally requested access to the following information:

1. *Copies of any Department of Communities and Justice ('DCJ') policies, staff guidance or assessment processes concerning the adoption of Aboriginal and Torres Strait Islander children or young persons from out of home care.*
2. *The following information for each year from 2014 (inclusive of 2014):*
 - a) *the number of children adopted from out of home care in NSW;*
 - b) *the number of Aboriginal and Torres Strait Islander children adopted from out of home care in NSW;*
 - c) *the number of Aboriginal and Torres Strait Islander children adopted from out of home care in NSW, where the adoption was not consented to by one or more parents identifying as Aboriginal and/or Torres Strait Islander;*
 - d) *the number of Aboriginal and Torres Strait Islander children who were adopted from out of home care by non-Aboriginal and/or Torres Strait Islander families;*
 - e) *the total number of adoption applications made for Aboriginal and Torres Strait Islander children in out of home care;*
 - f) *the recorded outcomes of the applications identified in (d), including the number of applications that were:*
 - i. *contested by one or more parents identifying as Aboriginal and/or Torres Strait Islander;*
 - ii. *contested by the NSW Secretary or Minister;*

- iii. *discontinued; and/or*
- iv. *refused.*

On 28 May 2020, you reduced the scope of your access application to a copy of the following:

1. *Copies of any Department of Communities and Justice ('DCJ') policies, staff guidance or assessment processes concerning the adoption of Aboriginal and Torres Strait Islander children or young persons from out of home care.*
2. *The following information for each financial year since 2014/15 (inclusive of 2014/15):*
 - a) *the number of children adopted from out of home care in NSW;*
 - b) *the number of Aboriginal and Torres Strait Islander children adopted from out of home care in NSW;*
 - c) **(Deleted)**
 - d) *the number of Aboriginal and Torres Strait Islander children who were adopted from out of home care by non-Aboriginal and/or Torres Strait Islander families, excluding the 2018-19 financial year.*
 - e) **(Deleted).**

Section 53 of the GIPA Act requires that reasonable searches be conducted to identify the government information held by the Department that falls within the scope of the access application.

As previously advised, and in accordance with the obligations outlined in section 53 of the GIPA Act, I liaised with Adoption and Permanency Services (APS), within the Child Protection & Permanency, District and Youth Justice Services division of DCJ to identify the information requested in your access application. Searches were conducted to identify information responsive to your access application, but a document specifically responding to Point 2 of your access application is not held by DCJ.

However, APS was able to source and extract the relevant data from the Department's child protection database, ChildStory, including the review of physical client files, to provide information responsive to Point 2 of your access application.

I am authorised pursuant to section 9(3) of the GIPA Act to make a decision in response to a formal access application. I have carefully considered your request in view of the objects of the GIPA Act where you have a legally enforceable right to obtain information, unless there is an overriding public interest against disclosure of the subject information.

In relation to the first point of your request, I have decided pursuant to section 58(1)(a) of the GIPA Act to provide you with full access to the information falling within the scope of your access application.

In relation to the second point of your request, I have decided pursuant to section 58(1)(b) of the GIPA Act that the information you have requested is not held by this agency.

These decisions are reviewable, pursuant to section 80 of the GIPA Act.

Access decision

I will now respond to each point of your request in turn:

1. ***Copies of any Department of Communities and Justice ('DCJ') policies, staff guidance or assessment processes concerning the adoption of Aboriginal and Torres Strait Islander children or young persons from out of home care.***

In responding to the first point of your access application, APS have located information that I have paginated, 1 to 14.

I have decided in accordance with section 58(1)(a) of the GIPA Act, to provide you with access to the information requested.

2. The following information for each financial year since 2014/15 (inclusive of 2014/15):

- a) the number of children adopted from out of home care in NSW;**
- b) the number of Aboriginal and Torres Strait Islander children adopted from out of home care in NSW;**
- c) (Deleted)**
- d) the number of Aboriginal and Torres Strait Islander children who were adopted from out of home care by non-Aboriginal and/or Torres Strait Islander families, excluding the 2018-19 financial year.**
- e) (Deleted).**

I have taken into consideration section 75 of the GIPA Act, which provides that although there is no obligation to provide access to government information by way of creating a new record or document, an agency is not prevented in doing so.

Therefore, I have used my discretion on this occasion to create a new record pursuant to section 75 of the GIPA Act to respond to this specific aspect of your request. The information has been provided to you in the attachment entitled 'Attachment A'.

However, in accordance with section 78 of the GIPA Act I have decided to defer access to data for the 2019/2020 financial year until 1 October 2020. The Family and Community Services Insights, Analysis and Research Unit, which provided the data in response to Point 2 of your access application advise that ordinarily, child protection data is extracted yearly for reporting purposes, on 31 August of each year. This is consistent with previous practice for statutory reporting purposes, which enables sufficient time for records to be corrected and reconciled, in line with national reporting rules. Prematurely releasing the data to you now, would not provide you with an accurate data set in comparison with previous years.

Although the adoptions data for 2019/20 will be fully aged by 31 August 2020, further testing and validation is conducted to ensure data accuracy, consistency and completeness for state and national reporting purposes. Therefore, the 2019-20 data will be ready for disclosure on 1 October 2020.

Review Rights

If you are aggrieved by any of the reviewable decisions in this notice of decision, you may seek a review under Part 5 of the GIPA Act, by requesting any one of the following:

- An internal review that must be lodged with Open Government, Information and Privacy within 20 working days of this notice of decision. You must lodge your internal review at the address shown at the top of the first page and must be accompanied by the appropriate application fee of \$40.
- Alternatively, a request for an external review may be lodged with either the Information and Privacy Commission, or the NSW Civil and Administrative Tribunal. Please note that you must lodge your request for an external review within 8 weeks of this notice of decision.

If you have any questions regarding this notice, please contact me at peter.bazzo@facs.nsw.gov.au.

Yours sincerely

Peter Bazzo

Peter Bazzo
Senior Right to Information Officer
Open Government, Information and Privacy
Department of Communities and Justice

Open Adoption for Aboriginal Children in Out-of-Home Care

Open adoption in NSW is different to past adoption practices.

Open adoption as a permanency option for Aboriginal children is considered after restoration, guardianship and parental responsibility to the Minister. For the Department of Communities and Justice (DCJ), each of these options must be thoroughly explored and ruled out before adoption.

Aboriginal children and families must be given the opportunity to participate in decisions about adoption.

What is Open Adoption?

'Openness' forms the basis of current NSW Adoption legislation and practice. 'Openness' in adoption refers to the way a child is supported to remain connected to their parents, brothers, sisters, extended family and cultural heritage. Open adoption recognises that children benefit when both their families (birth and adoptive) remain in contact with each other after adoption. This occurs with an open attitude as well as actions. Not all adoptions involve contact between the families, however, it is essential that children are comfortable to speak openly about both their families through their growing years.

Prospective adoptive families for Aboriginal children

Aboriginal placement principles are used when adoption is being considered for an Aboriginal child placed with carers who are dually authorised and approved to adopt.

Priority is given to finding a dually authorised carer family belonging to the community of the Aboriginal parent, then carers of another Aboriginal community. Only where neither are possible, may the child be placed with a non-Aboriginal family who are assessed as holding the attitudes, cultural understanding and capacity to support an Aboriginal child to remain connected to their family, community and culture.

Aboriginal placement principles under the Care Act are used when Aboriginal children are placed with authorised carers.

Supporting family, community and cultural connections

The adoption plan explains how the child remains in contact with family members and is supported to develop a healthy and positive cultural identity. Parents, siblings and significant family members have a say in how they would like to remain connected with the child and how they will help the child's connection with their family, community and culture. An adoption plan may change as the individual needs of the child changes through their growing years. A cultural plan is developed in consultation with Aboriginal family, community and/or Aboriginal caseworkers/managers. The cultural plan explains how the child will stay connected to their family and culture and the community/ies their Aboriginal parent(s) belong to as well as the community where they currently live.

The adoption plan (including the cultural plan) is registered in the Supreme Court for all Aboriginal children. Registration of the adoption plan ensures the arrangements in the plan are enforceable by law.

Wherever possible, a person of significance to the child and/or family should be identified in the registered adoption plan. This person may be a support person, friend, community member or kin who can assist the child to remain connected to family, culture and community after adoption. This person or any family member may raise any concerns about the child and their cultural plan with DCJ' Adoption Information Unit and request a review of the arrangements.

Open Adoption for Aboriginal Children in Out-of-Home Care

Who can prepare an adoption application?

DCJ' Adoption Services and Non-Government agencies who are accredited to provide adoption services in NSW prepare adoption applications for children in OOHC.

Making an open adoption decision for an Aboriginal child in OOHC

DCJs Office of the Senior Practitioner, funded service provider, district and adoption workers participate in a group supervision as early as possible to support decision making about progressing an adoption assessment for an Aboriginal child.

An independent adoption assessor speaks with the parents, carers, child (where age appropriate) and significant family members about their views on adoption and other permanency options including how connections with birth family and culture can be maintained. The assessor then makes a recommendation about open adoption as a permanency plan for the child.

The adoption plan and cultural plan is prepared before an adoption decision is made. The assessment shows if the arrangements in the plan meet the needs of the child. The DCJ Aboriginal Outcomes Unit provides feedback on aspects of the cultural plan that may be strengthened to support the child's connection with family, community their culture.

A case meeting with the parents, carers and independent assessor is held to discuss the recommendations of the assessment and permanency decision of open adoption.

The Secretary (DCJ) must agree that adoption is in the child's best interests. A case meeting with the parents, carers and independent assessor is held to discuss the decision to formally commence adoption action and the reasons.

Parents may give consent to the adoption. Adoption can however proceed without parental consent when after reasonable inquiry the parent cannot be identified or located; the parent is not capable of giving consent; there is serious concern for the welfare of the child; or where there is a stable relationship between the child and their carer, adoption is in the child's best interests and alternative permanency options have been considered.

A child who is 12 or more years must give sole consent. The Court may dispense with their consent where they are not mature enough or are not capable. The parents and any guardians consent is then required. An open adoption decision should not be delayed until the child can give sole consent.

Before giving consent to the adoption of an Aboriginal child, the person giving consent must be given the opportunity to speak with an approved Aboriginal consultant or be provided with written information about Aboriginal customs and culture.

The parents are notified that an adoption application has been made to the Court. The NSW Supreme Court makes adoption orders.

Support after an adoption

Parents, adoptive parents or adopted children may contact DCJ' Adoption Information Unit to request assistance to review the arrangements in the registered adoption plan.

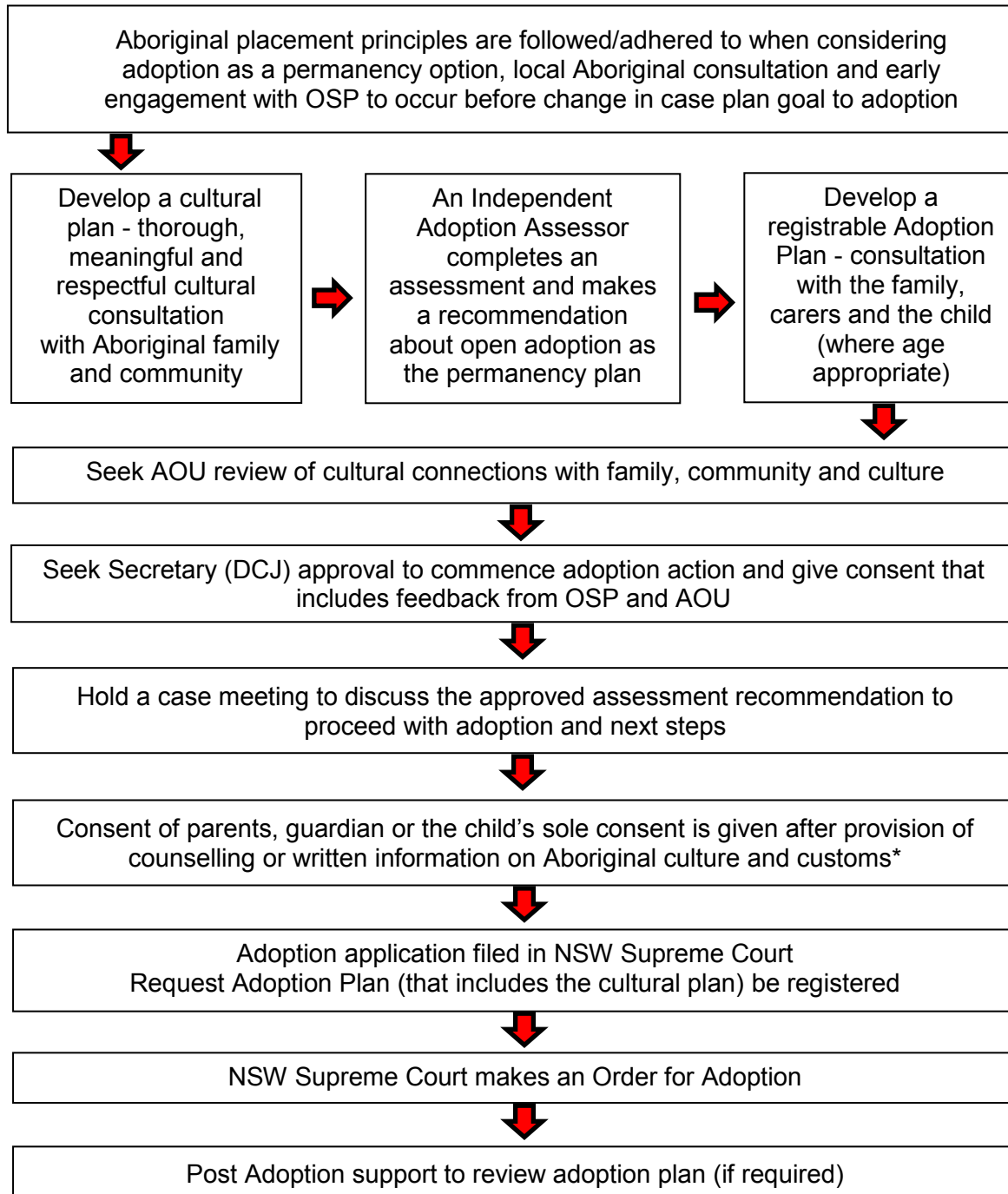
DCJ' Adoption Information Unit Contact details:

Phone: 1300 799 023

Email: adoption.information@facns.nsw.gov.au

Open Adoption for Aboriginal Children in Out-of-Home Care

**Pathway to progress an Open Adoption for
Aboriginal Children in Out-of-Home Care**

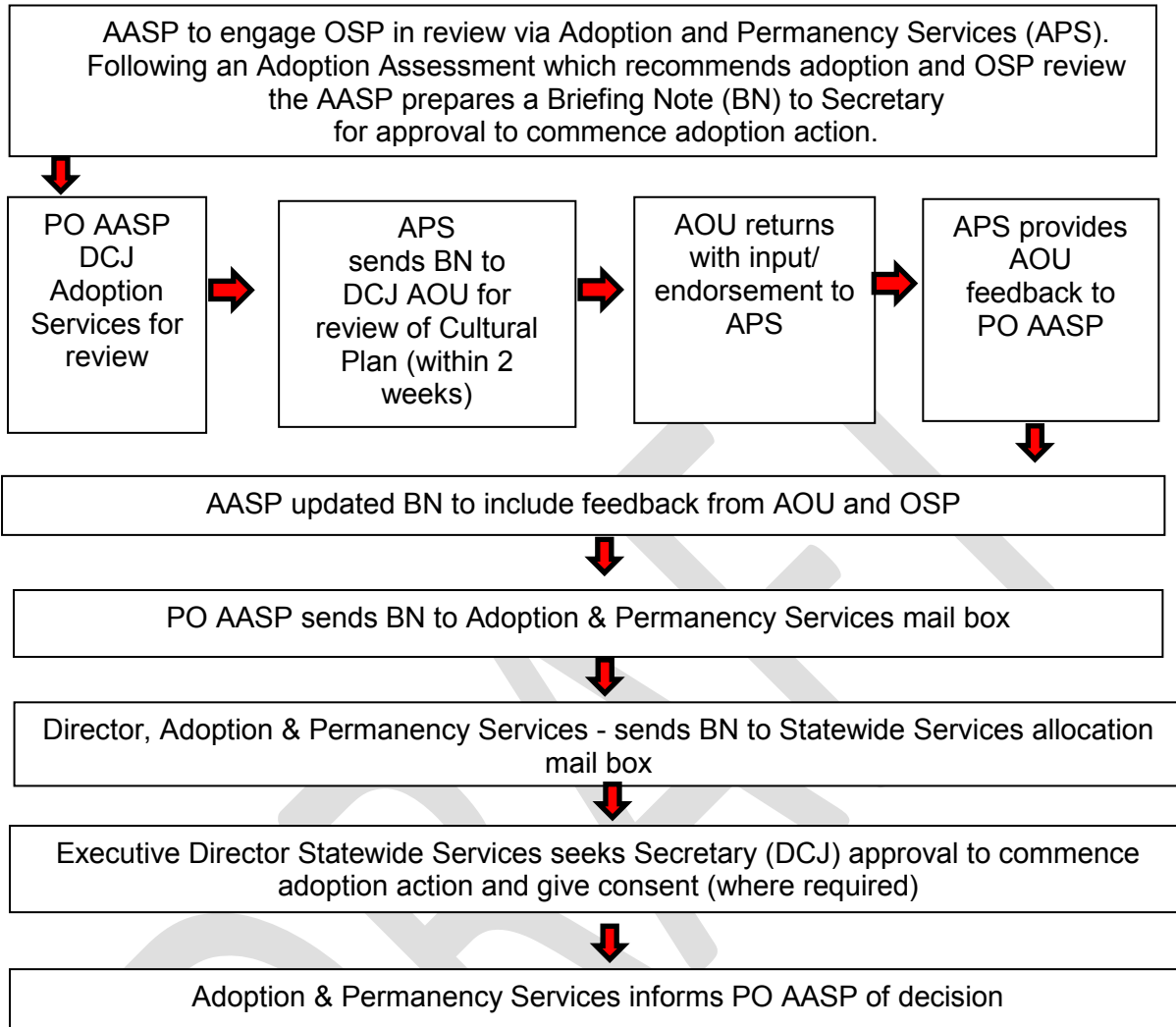


* Both birth parents are required to give consent to adoption where the child is under 12 years of age or the child is not capable of giving their sole consent. However, the Court may dispense with the requirement of a parents' consent where a parent cannot be identified or located, is not capable of properly considering the question of whether to give consent or the child has established a stable relationship with their authorised carer and adoption will promote the child's welfare and alternatives to placement for adoption have been considered.

OSP = DCJ Office of the Senior Practitioner
AOU = DCJ Aboriginal Outcomes Unit

Open Adoption for Aboriginal Children in Out-of-Home Care

**Accredited Adoption Service Provider (AASP) Approval Pathway
for Aboriginal Children in Out-of-Home Care**



Key

APS = Adoption & Permanency Services (DCJ)

AOU – Aboriginal Outcomes Unit (DCJ)

DCS = DCJ Director Community Services (district where the child lives)

OSP = Office of Senior Practitioner (DCJ)

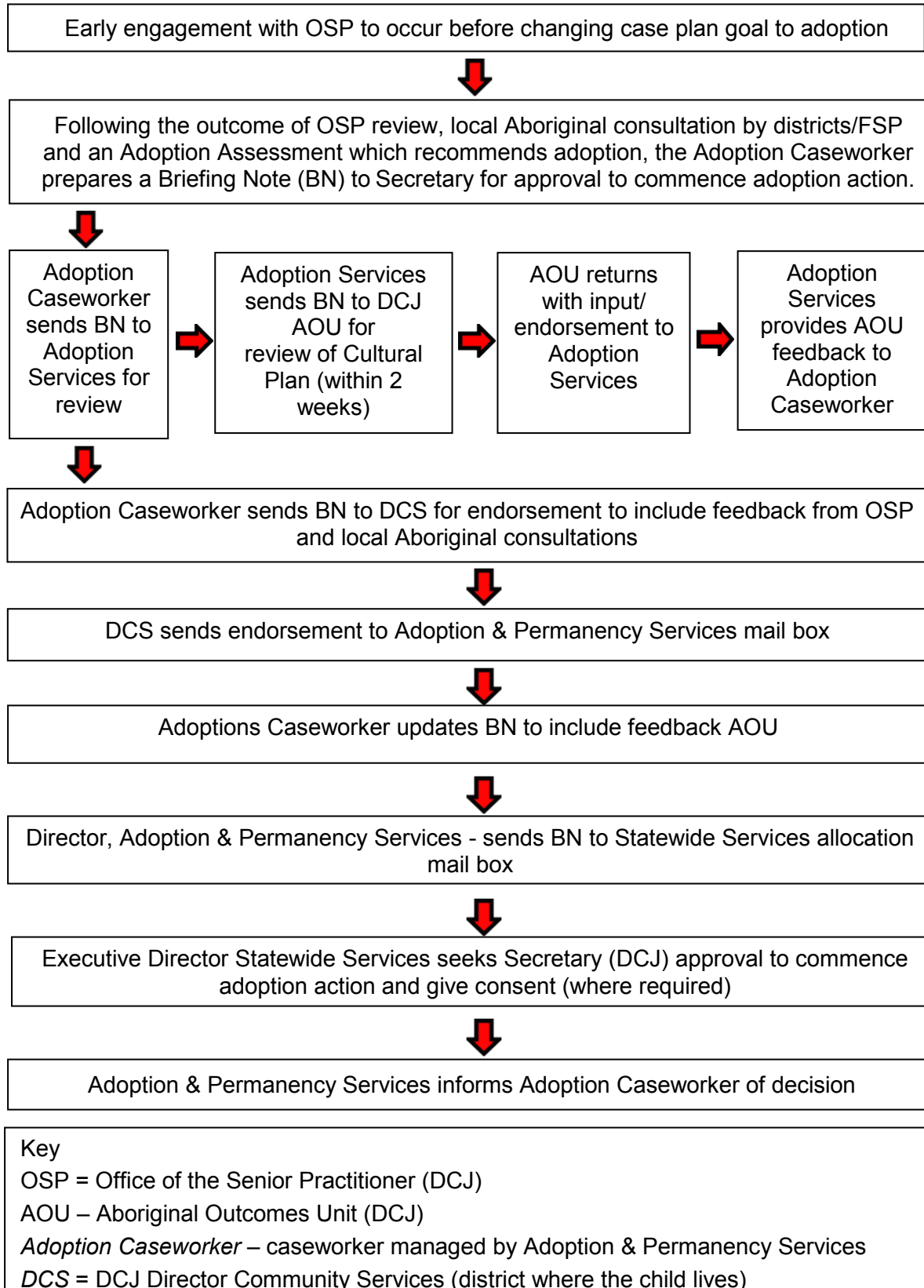
PO AASP – Principal Officer Accredited Adoption Service Provider

BN – Briefing note format on AASP letterhead

Adoption & Permanency Services mail box = Adoption.PermanentCare@fac.s.nsw.gov.au

Open Adoption for Aboriginal Children in Out-of-Home Care

**Internal DCJ Approval Pathway
for Open Adoption of Aboriginal Children in Out-of-Home Care**



GUIDE TO DRAFTING A REGISTERED ADOPTION PLAN

Adoption Act 2000 (NSW) Section 46 – 51 Adoption Regulation 2015 (NSW) Clause 75 & 76

This guide is to be read in conjunction with the Fact Sheet 'Registration of Adoption Plans' to assist in deciding whether the adoption plan is to be registered.

What is an adoption plan?

An adoption plan supports a child to remain connected to their birth family and cultural origins.

An adoption plan is a plan agreed on by two or more of the parties to an adoption. The parties to an adoption are the child(ren), the proposed adoptive parents, a birth parent who has given consent to their child(ren)'s adoption, and may include the Secretary of the Department of Family and Community Services (FACS) or the Principal Officer of an Accredited Adoption Service Provider. A birth parent who has not given consent to the child(ren)'s adoption but who has agreed to the adoption plan is to be treated as a party to the adoption and adoption plan for the purposes of sections 46 - 51 and section 90 of the *Adoption Act 2000* ("The Act").

What can be included in the adoption plan?

The arrangements for contact between a child and their birth family including the exchange of information in relation to the child's medical background, development, important life events, the ways in which a child will be assisted to develop a healthy and positive cultural identity, and how they will maintain a connection with that heritage.

The adoption plan must contain:

- a) a statement of the means and nature by which contact between the child and the child's family and siblings is to be maintained, including people authorised to have contact with the child, purposes of the contact, frequency of contact and location of contact,
- b) details of the ways in which the child is to be assisted to develop a healthy and positive cultural identity and of ways in which links with the child's cultural heritage are to be fostered,
- c) a description of the type of information to be exchanged under the plan,
- d) a statement of the frequency of exchange of information,
- e) details of provision to be made for any financial and other assistance arrangements that the Secretary has agreed be included in the plan under section 201 (2) of the Act,
- f) a statement of the period for which the plan is to have effect.

For adoptions of children in out-of-home care, FACS is required to sign all adoption plans as FACS is responsible for post adoption payments and support (with the exception of matters managed by an agency with delegated parental responsibility).

How is an adoption plan developed?

An adoption plan should be negotiated between the child(ren), proposed adoptive parents and the birth family. Any expressed wishes by the child(ren) or birth parents must be taken into consideration. The adoption plan must suit the needs and best interests of the child(ren). The adoption plan should be realistic and where possible have been trialled throughout the planning phase.

It is important to remember that an adoption plan should reflect the individual circumstances of the particular case and tailored towards those individual circumstances. Consideration should also be given to whether separate maternal and paternal adoption plans should be prepared.

What happens to the adoption plan?

The adoption plan is filed with the child(ren)'s adoption application at the NSW Supreme Court. Pursuant to section 50 of the Act, an adoption plan may be registered. An adoption plan that is registered has effect, on the making of the adoption order, as if it were part of the order, thus being enforceable.

How is an adoption plan formally reviewed?

The adoption plan itself, depending upon how it is drafted, may have inherent flexibility to cater for different events which may arise over time. The Court has the power to review an adoption plan, if a party to the plan applies to the Court asking for a review.

- Please use the following format when drafting an adoption plan.
- Please **remove** any references in **blue**, **red** or sections in **black** that are not applicable to the child(ren)'s specific needs. Ensure all instructions including this box are removed off the final document.
- Please **remove** the Guide to Drafting an Adoption Plan document

MATERNAL / PATERNAL REGISTERED ADOPTION PLAN

This plan is in relation to contact arrangements between:

(delete or add any persons as necessary)

- //Child's Full Legal Name// ("//First Name//"), //date of birth//
- //Child's Full Legal Name// ("//First Name//"), //date of birth// **(delete/add as needed)**
- //First Name// **and** //First Name//, proposed adoptive parent(s) **(Add surname where appropriate for this to be known by birth family members)**
- //Full Legal Name// ("//First Name//"), mother
- //Full Legal Name// ("//First Name//"), father or putative father
- //Full Legal Name// ("//First Name//"), sibling or maternal/paternal half sibling; and
- //Full Legal Name// ("//First Name//"), maternal/paternal grandparents/aunt/uncle.

The parties to the adoption and this adoption plan are the subject child(ren), proposed adoptive parent(s), a birth parent(s) who **has/have** given consent to the child(ren)'s adoption, the Secretary, NSW Department of Family and Community Services or the appropriate Principal Officer **(delete if not applicable)**. A birth parent who has not given consent to the child(ren)'s adoption but who has agreed to the adoption plan is to be treated as a party to the adoption and adoption plan for the purposes of sections 46 -51 and section 90 of the *Adoption Act 2000*.

The //birth mother's first name// and/or //birth father's first name// has/have given consent to //child(ren)'s first name// adoption, and requested the adoption plan be registered. //First Name// and //First Name//, proposed adoptive parent(s) has/have agreed to register the adoption plan. (delete where appropriate if the birth parent(s) relevant to this plan have not given consent to adoption and/or to registration of the plan.)

It is agreed by the signatories to this plan, that this adoption plan is **not** to be deemed as giving consent for the adoption of //child(ren)'s first name//. **(delete if the birth parents relevant to this plan has given consent to adoption)**

[Where matter is agreed to be registered and one or both birth parents have not given consent to adoption, include the following statement]

The parties, in consultation with //birth mother's first name// **and/or** //birth father's first name// have agreed to seek registration of this adoption plan.

PURPOSE OF THE PLAN:

It is acknowledged that these mutually agreed arrangements will support //child(ren)'s first name// with **his/her/their** development and assist **him/her/them** to be connected with and build on **his/her/their** knowledge of **his/her/their** birth family and **his/her/their** sense of identity. Birth family contact is an opportunity for maintaining connections between //child(ren)'s first name// and members of **his/her/their** birth family.

It is envisaged that the current arrangements will continue until //child(ren)'s first name// reaches //insert// years of age.

THE ARRANGEMENTS FOR CONTACT:

[The history of birth family contact is to be detailed in the Affidavit of Delegate/Principal Officer or Adoptive Applicant. A summary is not required to be included in this plan].

It is recognised that the nature of contact should be structured in such a way that will best meet //child(ren)'s first name//s needs, taking into consideration at all times, his/her/their age, stage of development and any expressed wishes. **(a) Face-to-face contact:**

Outlined under each of the following sub-headings is how face-to-face contact between //child(ren)'s first name//s and each birth family member will be maintained. Detail who is responsible for transporting the child(ren) to and from contact.

[Detail the: frequency; location; duration; who will attend; how contact will be arranged; and any supervision requirements. Contact can be as flexible or as prescriptive as is required in the particular circumstances, however in order for the plan to be enforceable, the provisions need to be clear and specific].

[Where there are no plans for contact consider including the following statement]

//Birth family member(s) name// has indicated that they do not wish for face-to-face contact with //child(ren)'s first name// at this time. Should they request contact at any time in the future, then face-to-face contact will occur as agreed between //child(ren)'s first name//, //PAP first name//, //PAP first name// and //Birth family member(s) name//.

(i) Birth Parents/Mother/Father

[Where child's birth mother or father has not had face-to-face contact for a significant period consider including the following statement]

//PAP first name// and //PAP first name// are supportive of contact occurring between //child(ren)'s first name// and //Birth mother first name// and/or //Birth father first name//. Contact arrangements will take into account //child(ren)'s first name//s age, development and expressed wishes.

//Birth mother first name// and/or //Birth father first name// may be asked to meet with //PAP first name// and //PAP first name// and/or provide some basic information about themselves including photographs. //PAP first name// and //PAP first name// can use this to assist //child(ren)'s first name// know about //Birth mother first name// and/or //Birth father first name//. Contact will occur as agreed between //PAP first name//, //PAP first name//, and //Birth mother first name// and/or //Birth father first name//.

[Where child's paternity is unknown, a statement must be included to outline what would occur should a putative father request contact and/or information. Consider including the following statement.]

//PAP first name// and //PAP first name// are supportive of //child(ren)'s first name// having information about his/her/their father should paternity be confirmed. Should a putative father come forward in the future he may be required to undergo DNA testing prior to any contact occurring. Contact arrangements will take into account //child(ren)'s first name//s age, development and expressed wishes. The father may be asked to meet with //PAP first name// and //PAP first name// and/or provide some basic information about himself including photographs. //PAP first name// and //PAP first name// can use this to assist //child(ren)'s first name// know about his/her/their father. Contact will occur as agreed between //child(ren)'s first name//s, //PAP first name//, //PAP first name// and the father.

Failing these arrangements, contact is to occur on the //number// //day of week// of //months// at //time// for //number// hour/s at //insert location//. Detail who is responsible for transporting the child(ren) to and from contact.

For example: Failing all agreement to these arrangements, contact is to occur on the third Saturday of March, June, September and December at 11.00am for 1 hour at Centennial Park, Sydney.

(ii) Siblings

[Include the following statement in all plans and detail how contact with the siblings will occur if known]

Should //child(ren)'s first name// have any siblings born following the making of an adoption order //PAP first name// and //PAP first name// agree to support and facilitate contact between them.

[Where siblings have not had face-to-face contact for a significant period consider including the below statement]

//PAP first name// and //PAP first name// are supportive of contact occurring between //child(ren)'s first name// and //sibling(s) first name//. Contact arrangements will take into account //child(ren)'s first name//'s age, development and expressed wishes. //sibling(s) first name// may be asked to meet with //PAP first name// and //PAP first name// and/or provide some basic information about themselves including photographs. //PAP first name// and //PAP first name// can use this to assist //child(ren)'s first name// know about //sibling(s) first name//. Contact will occur as agreed between //child(ren)'s first name//, //PAP first name//, //PAP first name// and //sibling(s) first name//.

(iii) Significant Others

(b) Telephone and electronic communication:

Outlined under each of the following sub-headings is how telephone and/or electronic communication between //child(ren)'s first name// and their birth family members.

[Detail the: frequency and type of contact e.g. telephone, email, Facebook, Skype etc. Contact can be as flexible or prescriptive as is required in the particular circumstances.]

[Where the child is too young for telephone/electronic contact include the following statement]

Due to //child(ren)'s first name//'s age telephone contact is not an appropriate method of contact at this time. It is recommended that telephone contact between //child(ren)'s first name// and //Name//, occur in the future when //child(ren)'s first name// is older and is able to communicate more clearly. This should occur as agreed between //PAP first name// and //PAP first name// and //Name//. Telephone calls between //child(ren)'s first name// and //Name// will be facilitated by //PAP first name// and //PAP first name//.

(i) Birth Parents/Mother/Father

(ii) Siblings

(iii) Significant Others

(c) Information exchange including photographs/gifts etc:

Outlined under each of the following sub-headings is how information will be exchanged between //child(ren)'s first name// and their birth family members.

[Detail what each participant is agreeing to send, receive and/or reply to including the type of information being exchanged and frequency eg. school reports, updated health/medical issues, information about significant events, exchange around birthdays Christmas period and school holidays.]

[Include the following statement where relevant]

//PAP first name// and //PAP first name// agree to contact the //Birth mother first name// and/or //Birth father first name// directly or via an agency in the event of //child(ren)'s first name// sustaining a serious illness, injury or in the event of death.

(i) Birth Parents/Mother/Father

- (ii) Siblings
- (iii) Significant Others

IDENTITY AND CULTURAL HERITAGE:

[Detail the cultural background of the child(ren), proposed adoptive parent(s) and each birth parent. Outline the ways in which the child(ren) will be assisted to develop a healthy and positive cultural identity and how they will maintain a connection with that heritage. This is not limited to, but may include: contact with significant family members and other people of this heritage, education, cultural activities, food, language, music, art, dress style, totems or cultural practices specific to the child's family. Include details of what actions will be undertaken and by whom.]

[For Aboriginal or Torres Strait Islander children, these provisions should be made after consultation with a local, community-based and relevant Aboriginal or Torres Strait Islander organisation.]

[The below is for Aboriginal or Torres Strait Islander children only.]

[Person of significance name¹] has met with [child's name] and/or [PAPs name/s] about [child's name] adoption. [PAPs name/s] agree for [person of significance name] to remain involved in [child's name] life to assist him/her remain connected to culture, community and family [detail how the person of significance will assist the child remain connected to family, culture and community].

The person of significance, in addition to the birth parents or other family/kin members, can raise any concerns about [child's name] and their cultural plan. Concerns can be raised either directly with the FACS Adoption Information Unit or through a third party to initiate and support discussion with Adoption and Permanency Services.

The FACS Adoption Information Unit will provide mediation and least intrusive casework intervention to reach a mutual agreement. If this is not possible, FACS may consider initiating review proceedings in the Supreme Court of NSW to ensure compliance with the cultural plan.

RELIGIOUS UPBRINGING: (delete if not applicable)

[Detail the religious background of the child(ren), proposed adoptive parents and each birth parent. Outline the ways in which the child(ren) will be assisted to develop a healthy and positive religious identity. Include details of what actions will be undertaken and by whom.]

FINANCIAL ASSISTANCE: (delete if not applicable)

[Detail any contingency or specific financial arrangements that will support the child(ren)]

[For grandfathered OOHC Adoptions only - detail any financial assistance that the proposed adoptive parents require on the making of an adoption order (any financial support is to be pre-approved by way of a financial submission by the relevant FACS delegate)]

CONTACT DETAILS: (delete contacts that are not applicable)

//Proposed Adoptive Parent(s)//
 //Postal Address//
 //Email Address//
 //Telephone or Mobile//

//Birth Mother/Father or Significant Other//
 //Postal Address//
 //Email Address//
 //Telephone or Mobile//

FACS' Adoption Information Unit
 Locked Bag 4028

//Name of relevant Agency or CSC//
 //Address//

¹ Wherever possible a *Person of Significance* should be included in the registered adoption plan and raise any concerns as required if the cultural plan is not followed in the agreed way. **The person of significance** to the child and/or family can include, but is not limited to, a support person, friend, community member or kinship connection.

Ashfield NSW 2131
 (02) 9716 3005
 1300 799 023 (toll free within NSW only)

//Suburb, NSW Post Code//
 //Phone Number//

CONCLUDING STATEMENTS:

If the people whom this plan relates to are in direct contact with each other, they need to advise each other of changes in their addresses and contact numbers as soon as possible.

It is the responsibility of each person whom this plan relates to, to advise FACS' Adoption Information Unit of changes in their address and contact numbers as soon as possible. *(delete if not applicable)*

Should there be any difficulties that arise in carrying out the adoption plan, please contact FACS' Adoption Information Unit². *For Aboriginal children, the person of significance, in addition to the birth parents or other family/kin members, can also request a review, either directly with FACS' Adoption Information Unit or through a third party to initiate and support discussion with Adoption and Permanency Services. (delete if not applicable)*

The adoption plan can be reviewed by the Court at the request of any of the parties to the plan.

SIGNATURES TO THE ADOPTION PLAN IN RELATION TO **//CHILD'S FULL NAME//**:

[Remove any names of people who will not be signing the final adoption plan. Signatures must occur on a page with text]

 //Full Name of Child//

 Date

 //Full Name Birth Mother//

 Date

 //Full Name Birth Father//

 Date

 //Proposed Adoptive Parent//

 Date

 //Proposed Adoptive Parent//

 Date

 //Name//

 Date

//Manager Casework or Name of Role//

//Insert CSC or Agency Name//

Delegate of the Secretary / Principal Officer

//Department of Family & Community Services// or //Accredited Adoption Service Provider Name//

(delete if not applicable)

² Contact details found at: www.community.nsw.gov.au/adoption

Services for adopted children under 18 years and their families

Open adoption in NSW

'Openness' forms the basis of current NSW Adoption law and practice. 'Openness' in adoption refers to the way a child¹ is supported to remain connected to their birth parents, brothers, sisters, extended family and cultural heritage. Open adoption recognises that children benefit when both their families (birth and adoptive) remain in contact with each other after adoption. This occurs with an open attitude as well as actions. Not all adoptions involve face-to-face contact between the families, however, it is essential that children are comfortable to speak openly about both their families through their growing years.

While the adopted child is under 18 years of age, all efforts should be made by both the birth and adoptive families to discuss any concerns with each other, with the best interests of the child in mind, and with the intent of coming to a mutual agreement. However, when this is not possible, Family and Community Services' (FACS) Adoption Information Unit (AIU) assists adopted children and their families to build connections, communicate with each other, and gain information where they have not been able to do this on their own.

Information available to families

Depending on when the adoption happened, identifying and/or non-identifying information is able to be gained about the adopted child who is under 18 years and birth parents.

For adoptions after 1 January 2010, adopted people and adoptive parents may gain identifying information about the birth family from the day the adoption order is made. While the child is under 18 years, the child, birth parents, brothers and sisters may seek approval to gain identifying information about the child and adoptive parents. Approval may not be given if the supply of information poses a risk to the safety, welfare or well-being of an adopted child or adoptive parents.

For adoptions before 2010, permission from the birth parents, adoptive parents or FACS (depending upon the circumstances) is required before identifying information may be provided. Non-identifying information is able to be provided to a birth parent without this permission.

Details about the adoption information² available can be located on the FACS website or by contacting AIU (see contact details below).

Adoption plan

The adoption plan explains how the child will remain connected with family members and is supported to develop a healthy and positive identity.

At times, family members may not be able to maintain regular contact throughout the child's life, as set out in the adoption plan. Additionally, as children grow up, their needs and priorities change. Often they are juggling family meetings with sports, social events and other activities after school and during the weekend that limits their availability. Sometimes these cannot be predicted at the time of agreeing to an adoption plan. Ideally, it would be hoped that both families understand these changes and are willing to be flexible and reach an agreement that best suits everyone.

¹ Child refers to all children and young people under the age of 18 years

² 'Adoption Act 2000: how it affects you. Post Adoption – for adoptions made after 1 January 2010'.

² 'Adoption Search Guide – For people who want to apply for information about a past adoption and for those considering searching for a family member'

Services for adopted children under 18 years and their families

AIU provides support to families to review the arrangements in the adoption plan, and where possible, negotiate new arrangements that meet the needs of the child at that time.

Aboriginal and Torres Strait Islander children

An adoption plan (including the cultural plan) for Aboriginal and Torres Strait Islander children will be registered with the Supreme Court³. A person of significance to the child and/or family, named on the plan, or any family member may raise any concerns about the child and their cultural plan with AIU and request a review of the arrangements. AIU will provide mediation and least intrusive casework support to reach a mutual agreement. However, if this is not possible, then AIU may initiate a review of the arrangements by the Supreme Court.

Contact

AIU assists families who need additional support to arrange meetings with the child and family members. This may include liaising with the FACS Community Service Centre, the supervising contact agency and family members to ensure meetings are a positive experience for the child and family members. AIU's involvement is generally agreed on prior to the adoption.

Contact after a long time – seeking current information

There are times where events in life mean family members have not been in contact with the child for a long time. To help families re-connect with the child, AIU are able to make contact, obtain and pass on current information and/or establish ongoing correspondence exchange or meetings.

Information sharing

Written updates and photos help keep the child and birth family connected. The act of writing a letter can be a time to check in with the child about how they are feeling about their adoption and birth family.

Adoptive parents are encouraged to send written updates and photos, even when birth parents are not able to respond. Ideally, it is always best to send this directly to the birth parents. When this is not possible, AIU can co-ordinate the exchange of information such as letters, emails, photographs, cards, DVD's or USBs.

Outreach and mediation

At times the child may have difficulty coping with a particular aspect of their adoption and may need to feel a connection with members of their birth family or seek answers to questions they hold.

Sometimes there may be the need for an adopted child to have medical information about their birth family. Birth family members may also become aware of a medical condition in their family and there are future implications for the wellbeing of the child.

At times when the adoptive and birth families are not in contact with each other, AIU can make contact and provide the relevant information.

The privacy of all people is respected, however, positive relationships can develop when people agree to exchange identifying details and stay in touch without AIU involvement. AIU caseworkers can continue to support and offer assistance if needed.

³ Fact Sheet – 'Registration of adoption plans'

Services for adopted children under 18 years and their families

Counselling

AIU caseworkers provide short-term, immediate counselling to assist where issues around the adoption are impacting on the child and families. AIU caseworkers will assist to provide context and strategies to manage a situation and make referrals to relevant services where ongoing support and counselling is needed.

Contact AIU if you need any assistance

Phone: 1300 799 023 (local call within Australia)

Email: adoption.information@facs.nsw.gov.au

Website: www.facs.nsw.gov.au/families/adoption/adopting-a-child/want-to-adopt

Attachment A

- 2. The following information for each financial year since 2014/15 (inclusive of 2014/15):**
- a) the number of children adopted from out of home care in NSW;**
 - b) the number of Aboriginal and Torres Strait Islander children adopted from out of home care in NSW;**

Year	Total number of Aboriginal and Torres Strait Islander (ATSI) children adopted from out-of-home care (OOHC) in NSW	Total number of non-ATSI children adopted from OOHC in NSW	Total number of children adopted from OOHC in NSW
2014-15	0	87	87
2015-16	1	66	67
2016-17	2	127	129
2017-18	6	134	140
2018-19	7	127	134
2019-20	7	155	162

- 2. The following information for each financial year since 2014/15 (inclusive of 2014/15):**
- d) the number of Aboriginal and Torres Strait Islander children who were adopted from out of home care by non-Aboriginal and/or Torres Strait Islander families, excluding the 2018-19 financial year.**

Year	Total number of ATSI children who were adopted from OOHC by non-ATSI families
2014-15	0
2015-16	1
2016-17	2
2017-18	6
2019-20	5