

1992—No. 597

ADOPTION OF CHILDREN ACT 1965—REGULATION

(Relating to fees for applications for adoption of children and for assessments
of suitability to adopt)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council,
and in pursuance of the Adoption of Children Act 1965, has been pleased
to make the Regulation set forth hereunder.

JAMES LONGLEY,
Minister for Community Services.

Commencement

1. This Regulation commences on 1st December, 1992.

Amendments

2. The Adoption of Children Regulations are amended:
 - (a) by inserting in Regulation 9 (1) after the word “child” the words “(other than a child from a place outside the Commonwealth or the external Territories)”;
 - (b) by omitting Regulation 11 (2) and (3);
 - (c) by omitting Regulation 18 and by inserting instead the following Regulations:

Submissions of expressions of interest to adopt child from overseas

18. (1) A person may submit to the Director-General (in writing) an expression of interest in adopting a child from a place outside the Commonwealth or the external Territories.

(2) The Director-General is to supply information about the following matters to a person who submits an expression of interest:

- (a) the availability of children from different overseas countries for adoption;
- (b) the investigation, approval and selection processes;
- (c) criteria for approval and selection of applicants;
- (d) fees;
- (e) the rights and responsibilities under the law of New South Wales of applicants, adoptive parents, adopted persons and former parents of adopted children.

(3) The information may be communicated to a person in writing, verbally or by such other means as the Director-General thinks fit.

Form of application for assessment

18A. An application by a person for a report under section 65A of the Act is to be in such form as the Director-General requires.

- (d) by omitting from Regulation 19 (2) the matter “18 (1)” and by inserting instead the matter “18A”;
- (e) by omitting Regulation 28 (2)–(4) and by inserting instead the following clause:

(2) This Regulation does not apply in the case of the adoption of a child from a place outside the Commonwealth or the external Territories.

- (f) by omitting from Regulation 32 the words “Except as provided by Part 5A” and by inserting instead the words “Subject to the Adoption Information Act 1990”;
- (g) by omitting Regulation 33 (1) and (1A) and by inserting instead the following clause:

(1) The fees specified in Schedule 2 must be paid by the applicant concerned for the matters referred to in that Schedule.

- (h) by renumbering Regulation 33 (1B)–(3) as Regulation 33 (2)–(4);
- (i) by inserting after Schedule 1 the following Schedule:

SCHEDULE 2—FEES

(See Regulation 33)

PART 1—APPLICATIONS FOR ASSESSMENTS FOR SUITABILITY TO ADOPT A CHILD

- (a) *Approval of persons for adoption (Part 3 of Regulations)*
- For supplying a person who submits an expression of interest under Regulation 9 with information under that Regulation:

— for general initial information	nil
— for supply of information at meeting	\$31
— preparation seminar conducted by the Department:	
— 1 day seminar	\$73
— 2 day seminar	\$130
• On lodging application under Regulation 11	\$417
• For assessment under Regulation 12 of suitability to adopt (payable before assessment is made):	
— standard assessment (up to 14 hours of interviewing and report writing, including at least 1 home visit)	\$907
— additional fee (per hour)	\$57
• For an updated home study report to ensure approved applicant continues to meet criteria for approval:	
— if previous report prepared in past 18 months	\$144
— if previous report prepared earlier than past 18 months	\$172
— additional fee if change of residence	\$57
(b) <i>Assessment for overseas adoptions (Part 3A of Regulations)</i>	
• For supplying a person who submits an expression of interest under Regulation 18 with information under that Regulation:	
— for general initial information	nil
— for supply of information at meeting	\$31
— preparation seminar conducted by the Department:	
— 1 day seminar	\$73
— 2 day seminar	\$130
• On lodging application for report under section 65A of the Act	\$417
• For assessment under section 65A of the Act of suitability to adopt (payable before assessment is made):	
— standard assessment (up to 14 hours of interviewing and report writing, including at least 1 home visit)	\$907
— additional fee (per hour)	\$57
• For an updated home study report to ensure approved applicant continues to meet criteria for approval:	
— if previous report prepared in past 18 months:	
— standard updated report which refers to previous report	\$144
— fully revised updated report	\$201

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- if previous report prepared earlier than past 18 months:
 - standard updated report which refers to previous report \$172
 - fully revised updated report \$286
 - additional fee if change of residence \$57

PART 2—PLACEMENT OF CHILDREN FOR THE PURPOSE OF ADOPTION (PART 5 OF REGULATIONS)

- For interview regarding allocation of child (other than a home visit) before the placement of child (payable before or at interview) \$143
- For placement of child (administration costs) \$208

PART 3—APPLICATION TO COURT (ss. 18, 21 OF ACT)

(a) If application made by Director-General

- For first post-placement report (including home visit) \$143
- For any subsequent report (not including home visit) \$86
- Preparation and filing of application for an adoption order (payable before filing):
 - Court application fee \$834
 - report to the Court \$115

(b) If Director-General consents to applicant making own application

- For first post-placement report (including home visit) \$143
- For any subsequent report (not including home visit) \$86
- Preparation of documents/affidavits by the Director-General in connection with the application (other than the Director-General's report) \$84
- For Director-General's report to the Court \$115

(c) If application made by step parent/relative

- For report prepared by the Director-General under section 21 of the Act:
 - standard report (up to 6 hours of interviewing and report writing) \$365
 - additional fee (per hour).. \$57
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EXPLANATORY NOTE

The object of this Regulation is to restructure the fees under the Adoption of Children Act 1965 which presently cover the administrative, legal and other expenses payable to the Director-General of the Department of Community Services in connection with applications for adoption orders and assessments of suitability to adopt children. The revised fee structure sets out in greater detail the components of the existing fees. In some cases the fees are increased.
