

Adoption of Children Regulation 1995

[1995-447]



New South Wales

Status Information

Currency of version

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Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Notes—

- **Repeal**

The Regulation was repealed by the [Adoption Act 2000 No 75](#), sec 209 (1) (c) with effect from 1.2.2003.

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

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New South Wales

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Adoption of Children Regulation 1995



New South Wales

Part 1 Preliminary

1 Name of Regulation

This Regulation may be cited as the *Adoption of Children Regulation 1995*.

2 Commencement

This Regulation commences on 1 September 1995.

3 Definitions

(1) In this Regulation:

adoption register means the register kept under clause 15.

approved form means a form approved by the Director-General.

approved person means a person whose name is included in the adoption register.

de facto partners means a man and woman who are living together as husband and wife on a bona fide domestic basis although not married to each other.

Department means the Department of Community Services.

overseas means a place outside the Commonwealth and the Territories of the Commonwealth.

the Act means the *Adoption of Children Act 1965*.

(2) In this Regulation:

(a) a reference to a person submitting an expression of interest includes a reference to a husband and wife or de facto partners who have submitted a joint expression of interest, and

(b) a reference to the name of a person submitting an expression of interest includes a reference to the names of a husband and wife or de facto partners who have submitted a joint expression of interest, and

- (c) a reference to an applicant includes a reference to a husband and wife or de facto partners who have submitted an application to be approved as suitable and to be selected to adopt a child, and
- (d) a reference to the name of an applicant includes a reference to the names of a husband and wife or de facto partners who have submitted an application to be approved as suitable and to be selected to adopt a child, and
- (e) a reference to an approved person includes a reference to a husband and wife or de facto partners whose names are jointly entered in the adoption register, and
- (f) a reference to the name of an approved person includes a reference to the names of a husband and wife or de facto partners whose names are jointly entered in the adoption register.

Part 2 Private adoption agencies

4 Application for approval as private adoption agency

- (1) An application by a charitable organisation for approval as a private adoption agency is to be in the approved form.
- (2) An application by a charitable organisation for approval as a private adoption agency is to be accompanied by:
 - (a) a copy of the constitution and the rules, or articles and memorandum of incorporation, of the charitable organisation, and
 - (b) particulars of, and a copy of, any instrument evidencing the trusts, if any, relating to the organisation.

5 Conditions and requirements for approval as private adoption agency

For the purposes of section 11 (3) of the Act, the conditions and requirements to which every approval is to be subject are the conditions and requirements set out in Schedule 2.

Part 3 Approval of persons

6 Submissions of expressions of interest to adopt

- (1) The Director-General or the principal officer of a private adoption agency may, from time to time, invite the submission of expressions of interest from persons who wish to be approved as suitable, and to be selected to adopt, a child from New South Wales.
- (2) A person may submit to the Director-General an expression of interest in adopting a child from overseas.
- (3) An expression of interest is to be submitted to the Director-General or the principal officer of a private adoption agency in writing.

- (4) An invitation to submit expressions of interest may be publicised in such manner as the Director-General or the principal officer thinks fit and may impose a time limit for the submission of expressions of interest.
- (5) The Director-General or the principal officer is to supply every person who submits an expression of interest with information about:
 - (a) if the person is interested in adopting a child from New South Wales—the estimated number and characteristics of children needing adoptive placement through the Department or private adoption agency, respectively, and
 - (b) if the person is interested in adopting a child from overseas—the estimated number and characteristics of children needing adoptive placement from overseas, and
 - (c) the investigation, approval and selection processes, and
 - (d) criteria for approval and selection of applicants, and
 - (e) fees, and
 - (f) the rights and responsibilities under the law of New South Wales of applicants, adoptive parents, adopted persons and former parents of adopted children.
- (6) The information may be communicated to a person verbally or in writing or by such other means as the Director-General or the principal officer thinks fit.

7 Request for application to adopt a child

- (1) The Director-General or the principal officer of a private adoption agency may request a person who:
 - (a) has submitted an expression of interest, and
 - (b) has been supplied with the information referred to in clause 6 (5), and
 - (c) wishes to be approved as suitable and to be selected to adopt a child,to complete an application to be approved as suitable and to be selected to adopt a child.
- (2) The application is to be in the approved form.

8 Application to adopt a child

- (1) An application to be approved as suitable and to be selected to adopt a child is to be accompanied:
 - (a) by a statement in the approved form made by the applicant as to the health of the applicant, and

- (b) by a certified copy of every marriage registration (if any) relating to the applicant issued by the Registry of Births, Deaths and Marriages, and
 - (c) by a copy of every decree absolute in divorce (if any) relating to the applicant, and
 - (d) by a certified copy of the birth registration relating to the applicant and proof of any amendment to the registration of birth, if applicable, and
 - (e) by a copy of the results of a criminal record check conducted by the Ministry for Police and Emergency Services.
- (2) The Director-General or the principal officer of a private adoption agency is to acknowledge receipt of each application.
 - (3) The Director-General or principal officer is to decline to approve an application made jointly by a husband and wife or by de facto partners if the Director-General or the principal officer determines that either of them is not suitable to adopt a child.
 - (4) The Director-General or the principal officer may, on receipt of an application and the other documents referred to in this clause, obtain a medical report in the approved form and such other medical reports as he or she thinks fit in respect of an applicant.
 - (5) Any medical report referred to in this clause is to be obtained at the applicant's expense.
 - (6) The Director-General or principal officer may require the applicant to attend an adoptive parent education and training course provided by the Director-General or principal officer before assessment of the applicants or at any time before or following placement of the child for adoption.
 - (7) Costs of attendance at courses are to be at the applicant's expense.

9 Criteria for assessment of applicants

The Director-General is to cause to be published from time to time in the Gazette the criteria to be used in determining whether applicants should be approved and selected to adopt children from New South Wales or from overseas through the Department.

10 Assessment of applicants for adoption of children in New South Wales—Director-General

- (1) The Director-General may, having regard to the provisions of Division 1 of Part 4 of the Act (so far as they are relevant) and to the criteria referred to in clause 9, assess any applicants who, in the Director-General's opinion, satisfy those provisions and criteria, as in force from time to time, and may:
 - (a) approve or approve subject to conditions, or
 - (b) decline to approve,

an applicant as suitable to adopt a child or a particular child.

- (2) The Director-General is to advise the applicant of the decision by notice in writing served personally or by post.
- (3) The notice is to be accompanied by a copy of any report concerning the applicant considered by the Director-General in assessing an applicant.

11 Assessment of applicants for adoption of children in New South Wales—principal officer

- (1) The principal officer of a private adoption agency may, having regard to the provisions of Division 1 of Part 4 of the Act (so far as they are relevant) and to the criteria referred to in clause 9 of Schedule 2, assess any applicants who, in the principal officer's opinion, satisfy those provisions and criteria, as in force from time to time, and may:
 - (a) approve or approve subject to conditions, or
 - (b) decline to approve,

an applicant as suitable to adopt a child or a particular child.

- (2) The principal officer is to advise the applicant of the decision by notice in writing served personally or by post.
- (3) The notice is to be accompanied by a copy of any report concerning the applicant considered by the principal officer in assessing an applicant.
- (4) The principal officer of a private adoption agency is to promptly advise the Director-General of every decision taken under this clause and is to furnish the Director-General with such particulars relating to it as the Director-General may require.

12 Assessment of applicants for overseas adoption

- (1) Without limiting the grounds on which the Director-General may decide not to assess an applicant under section 65A of the Act, the Director-General may decide not to assess an applicant if, in the Director-General's opinion, the applicant does not satisfy any one or more of the requirements or criteria referred to in clause 9.
- (2) In assessing an applicant to adopt a child under section 65A of the Act, the Director-General is to have regard to whether the applicant satisfies:
 - (a) any relevant requirements of Division 1 of Part 4 of the Act, and
 - (b) the criteria referred to in clause 9 for the time being in force, and
 - (c) the criteria (if any) for the time being laid down in the place from which a child is proposed to be adopted for the determination of an application for the adoption of such a child, being criteria laid down by a person who has lawful authority in that

place to lay down such criteria.

- (3) The Director-General may, after assessing an applicant in accordance with subclause (2):
 - (a) approve or approve subject to conditions, or
 - (b) decline to approve,the applicant as suitable to adopt a child or a particular child.
- (4) The Director-General is to advise the applicant of the decision by notice in writing served personally or by post.
- (5) The notice is to be accompanied by a copy of the report concerning the applicant made by the Director-General under section 65A of the Act.

13 Approvals subject to conditions

Without limiting the conditions which the Director-General or principal officer of a private adoption agency may impose under clause 10, 11 or 12, such conditions may:

- (a) limit the duration of the approval, or
- (b) limit the approval to adopt to a nominated child or a child from a specified age group or of a specified sex, or
- (c) limit the approval to adopt to a child from a specified country or to a child of a specified race or ethnic group.

14 Reasons to be given if application declined

- (1) The Director-General or the principal officer of a private adoption agency is to give notice in writing of the reasons for any decision to decline to approve an applicant as suitable to adopt a child, or to approve an applicant subject to conditions, to the applicant when advising the applicant of the decision.
- (2) The notice is to advise the applicant of the applicant's right to apply for a review of a decision referred to in subclause (1) under clause 20 and clause 9 (4) of Schedule 2.

15 Adoption register

The Director-General is to keep an adoption register in which is to be entered:

- (a) the names of every person approved as suitable to adopt a child, and
- (b) if a person is approved as suitable to adopt a particular child, the names of the person and of the child, and
- (c) such other particulars as the Director-General may determine.

16 Sections of adoption register

The adoption register is to be divided as follows:

- (a) a section for each private adoption agency in which is to be entered the names of persons approved as suitable to adopt a child who applied to the agency,
- (b) a New South Wales section for the Department in which is to be entered the names of persons approved as suitable to adopt a child within the State who applied to the Department,
- (c) an overseas section for the Department in which is to be entered the names of persons approved as suitable to adopt a child from overseas.

17 Transfer of names between sections of adoption register

- (1) The name of an approved person is to be included in only one of the separate sections included in the adoption register.
- (2) The Director-General may transfer the name of an approved person from one of the sections to another section at the request, or with the consent, of that person.
- (3) If the name to be transferred is the name of a person who applied jointly with another person for approval to enter his or her name in the adoption register, the name may be transferred only with the consent of both of the persons.
- (4) A name is not to be transferred to a section relating to the Department or a private adoption agency unless the Director-General or the principal officer of that agency consents to the transfer.
- (5) The Director-General is to advise an approved person whose name has been transferred from one section of the adoption register to another section, by notice in writing served personally or by post, of the transfer.

18 Removal of names from adoption register

- (1) The name of a person is to be removed from the adoption register:
 - (a) on the making of an adoption order or interim order in favour of that person, or
 - (b) on receipt by the Director-General of a notice in writing from that person requesting the removal of the person's name, or
 - (c) if, after reasonable inquiry, the person cannot be found, or
 - (d) if, because of a change in the circumstances of the person existing at the time when the Director-General or principal officer of a private adoption agency approved the person as suitable to adopt a child, the person is, in the opinion of the Director-General, no longer suitable to adopt the child, or

(e) following revocation of approval of the person as suitable to adopt the child under clause 19.

- (2) If a name removed at the request of the person concerned is the name of a person who applied jointly with another person for approval to enter his or her name in the adoption register, the name of that other person is, at the same time, to be removed from the adoption register.

19 Revocation of approval

- (1) The Director-General or the principal officer of a private adoption agency may at any time revoke approval of an applicant as suitable to adopt a child.
- (2) The Director-General or principal officer is to give notice in writing of the reasons for revoking approval of an applicant as suitable to adopt a child.
- (3) The notice is to advise the applicant of the applicant's right to apply for review of such a decision under clause 20 and clause 9 (4) of Schedule 2.

20 Review of assessment of applicant

- (1) An applicant may apply for a review of the following decisions of the Director-General under this Part:
- (a) a decision to decline to approve the applicant as suitable to adopt a child,
 - (b) a decision to revoke the Director-General's approval of the applicant as suitable to adopt a child,
 - (c) a decision to approve the applicant as suitable to adopt a child subject to conditions.
- (2) On receipt of an application to review a decision, the Director-General is to review the decision and must:
- (a) confirm the decision, or
 - (b) rescind the decision and approve the applicant as suitable to adopt the child, or
 - (c) rescind the decision and approve the applicant as suitable to adopt the child unconditionally.
- (3) Before the Director-General makes a decision under subclause (2), the Director-General:
- (a) must consider any material submitted by the applicant within 28 days of making the application for review, and
 - (b) may obtain such advice as the Director-General thinks may assist in reviewing the

application.

- (4) The advice referred to in subclause (3) (b) may include advice from the following:
- (a) a medical practitioner,
 - (b) a person having knowledge or experience in social work,
 - (c) a person having knowledge or experience in adoption work,
 - (d) a person having, in the opinion of the Director-General, other suitable qualifications or experience.
- (5) The Director-General:
- (a) must, at the request of the applicant, furnish the applicant with copies of all documents relevant to the decision being reviewed, and
 - (b) may give a person referred to in subclause (4) a copy of any document:
 - (i) relevant to the decision being reviewed, or
 - (ii) submitted by the applicant under subclause (3) (a).
- (6) If a decision referred to in clause 10 (1) (b) or a revocation referred to in clause 19 was made by a delegate of the Director-General, a decision under this clause must be made by the Director-General personally or by a delegate appointed for the purpose by the Director-General, other than the delegate who made the decision or revocation that was the subject of the review.

Part 4 Consents to adoptions

21 Form of instrument of consent

For the purposes of section 29 of the Act, the prescribed form of instrument of consent to the adoption of a child is:

- (a) for general consent to the adoption of a child (other than consent referred to in paragraph (b) or (c))—Form 1, or
- (b) for general consent to the adoption of a child given by the Minister who is the guardian of the child under the *Children (Care and Protection) Act 1987*—Form 2, or
- (c) for general consent to the adoption of a child who is a non-citizen child as defined in section 4 of the *Immigration (Guardianship of Children) Act 1946* of the Commonwealth given by or on behalf of the Commonwealth Minister administering that Act who is the guardian of the child under that Act—Form 3, or
- (d) for consent expressed to be a consent to the adoption of a child by a relative of the child, or by two persons, one of whom is a parent or relative of the child—Form 4.

22 Attestation of instrument of consent

- (1) For the purposes of section 29 of the Act, an instrument of consent to the adoption of a child is to be executed in the presence of and be attested by:
 - (a) if the instrument is signed in New South Wales:
 - (i) the Director-General, or
 - (ii) a commissioner for affidavits, or
 - (iii) an independent lawyer, or
 - (iv) a clerk of a Local Court, or
 - (v) a principal officer of a private adoption agency, or
 - (vi) a member of the Australian Association of Social Workers, or
 - (b) if the instrument is signed in another State or in a Territory:
 - (i) an independent lawyer, or
 - (ii) a member of the Australian Association of Social Workers, or
 - (iii) a person authorised by the law of that State or Territory to attest to a consent to the adoption of a child, or
 - (c) if the instrument is signed in another place:
 - (i) an Australian Consular officer as defined in section 26 of the [Oaths Act 1900](#), or
 - (ii) a judge of a court of that place, or
 - (iii) a magistrate or justice of the peace of or for that place, or
 - (iv) a person authorised by the law of that place to attest to a consent to the adoption of a child.
- (2) An instrument of consent to the adoption of a child may not be attested by any person referred to in subclause (1) if the person is an officer of the Department or an employee of a private adoption agency or private foster agency who is the caseworker for a person adopting the child.
- (3) In this clause:

independent lawyer means a barrister or solicitor who is not the legal representative of a person adopting the child concerned, or a partner or employee of such a legal representative.

23 Certification by witness on instrument of consent

- (1) Before a person subscribes the person's name as a witness to the signature of a person on an instrument of consent to the adoption of a child referred to in clause 21 (a), the person is to complete a statement on the instrument certifying that the person:
 - (a) is satisfied as to the identity of the person giving the consent, and
 - (b) has, at least 72 hours before completing the certificate, supplied the person giving the consent with the information provided by the Director-General, or principal officer of the private adoption agency requested to make arrangements for adoption of the child under clause 24, relating to the effect of giving consent to the adoption of a child and the rights of persons concerned in such an adoption, and
 - (c) has afforded ample opportunity to the person giving the consent to read the instrument of consent before that person signs the instrument, and
 - (d) is satisfied that the person giving the consent has understood the effect of signing the instrument, and
 - (e) in the case of a person giving consent who is under 16 years of age—has obtained a report, prepared by a registered psychologist or other appropriate expert, stating that, in the opinion of the expert, the person is capable of understanding the effect of signing the instrument.
- (2) A person completing any such certificate must not make any false statement in the certificate.
Maximum penalty: 1 penalty unit.
- (3) A person completing such a certificate is to attach a copy of any report obtained as referred to in subclause (1) (e) to the certificate.

24 Instrument requesting adoption arrangements

A person executing an instrument of consent to the adoption of a child referred to in clause 21 (a) is to request either the Director-General or the principal officer of a private adoption agency nominated in the instrument of consent to make arrangements with a view to the adoption of the child.

25 Notice of execution of a general consent

- (1) If the execution of an instrument of consent to the adoption of a child referred to in clause 21 (a) was witnessed by an officer of a private adoption agency, the principal officer of that agency is, within 7 days after the execution, to give the Director-General:

- (a) notice, in the approved form, of the execution of the instrument, and
 - (b) if the private adoption agency has been requested to make arrangements for the adoption of the child, a statement indicating whether or not the private adoption agency is willing to make such arrangements.
- (2) A person, other than an officer of a private adoption agency or an officer of the Department, who signs an instrument of consent to the adoption of a child referred to in clause 21 (a) as a witness to the execution of the instrument, is, within 7 days after that execution, to give the Director-General notice, in the approved form, of the execution.
- (3) If the person witnessing the execution of an instrument of consent to the adoption of a child referred to in clause 21 (a) is not an officer of a private adoption agency or an officer of the Department, the person executing the instrument is, within 7 days after the execution:
- (a) to give the Director-General the instrument together with a request, in the approved form, to make arrangements for adoption of the child, or
 - (b) to give the principal officer of a private adoption agency the instrument together with such a request and is to send a notice of execution of the instrument, in the approved form, to the Director-General.
- (4) The principal officer of a private adoption agency that is unwilling to make arrangements for the adoption of a child as requested under subclause (3), is, as soon as practicable but within 14 days of receiving the request, to give the Director-General notice, in the approved form, that the agency is unwilling to make the arrangements.
- (5) The agency is to forward to the Director-General, with the notice, any instrument of consent and any request under clause 24 to make arrangements with a view to adoption of the child relating to that child that is held by the private adoption agency.
- (6) Any notice required to be given under this clause may be served personally or by post.

26 Notice of period for revocation of consent

- (1) The Director-General is to give a person who has executed an instrument of consent to the adoption of a child notice in writing of the person's right to withdraw the consent by a day specified in the notice.
- (2) Such a notice is to be given at least 7 days before the last day on which the person may withdraw consent.

27 No fees payable to a witness to a consent

No fees are payable to a person for witnessing a consent to adoption.

28 Form of instrument of consent to own adoption

An instrument of consent to his or her own adoption given by a child who has attained the age of 12 years is to be in Form 5 and is to be signed in the presence of and be attested by one of the persons referred to in clause 22.

Part 5 Placement of children for the purpose of adoption

29 Certain reports required before placement of child

- (1) The Director-General or the principal officer of a private adoption agency is not to transfer or cause to be transferred the possession or control of a child to another person with a view to the adoption of that child by that other person unless the Director-General or principal officer has obtained:
 - (a) a report by a registered medical practitioner as to the health of the child in the approved form, and
 - (b) if the mother of the child has signed an instrument of consent to the adoption of that child within one month after the date of birth of the child—a preliminary medical report in the approved form, and
 - (c) a social, developmental and medical history of the child and of the child's parents and of their immediate families,to assist the Director-General or principal officer in selecting an approved person considered suitable by the Director-General or principal officer to adopt that child having regard to all relevant considerations, including those specified in section 21 (1) (c) of the Act.
- (2) The Director-General is not to transfer or cause to be transferred the possession or control of a child from overseas to another person with a view to the adoption of that child by that other person unless the Director-General has obtained a report about the child's social, developmental and medical history and the social, developmental and medical history of the child's family.

30 Selection of applicants for adoption orders

Applicants for adoption orders in respect of particular children available for adoption through a private adoption agency are to be selected by the principal officer of that agency from the persons whose names are included in the section of the adoption register for that agency.

31 Entitlement of approved person to adopt child

- (1) An approved person is not entitled to be the applicant for an adoption order in respect of a particular child available for adoption unless:

- (a) if that person's name is included in the New South Wales or overseas section of the adoption register for the Department—in the opinion of the Director-General the person is suitable to adopt that child, or
 - (b) if that person's name is included in a section of the adoption register for a private adoption agency—in the opinion of the principal officer of that agency the person is suitable to adopt that child.
- (2) A child must not be placed in the care of a female approved person, or her husband or de facto partner, for the purposes of adoption if, to the knowledge of the following persons, the approved person is pregnant:
- (a) if that person's name, or her husband's or de facto partner's name, is included in a section of the adoption register for the Department—the Director-General,
 - (b) if that person's name, or her husband's or de facto partner's name, is included in a section of the adoption register for a private adoption agency—the principal officer of that agency.
- (3) If an approved person becomes aware that she is pregnant, that person is to immediately advise the following persons in writing of the pregnancy:
- (a) if that person's name is included in a section of the adoption register for the Department—the Director-General,
 - (b) if that person's name is included in a section of the adoption register for a private adoption agency—the principal officer of that agency.
- (4) If an approved person becomes aware that his wife or de facto partner is pregnant, that person is to immediately advise the following persons in writing of the pregnancy:
- (a) if that person's name is included in a section of the adoption register for the Department—the Director-General,
 - (b) if that person's name is included in a section of the adoption register for a private adoption agency—the principal officer of that agency.
- (5) Subclause (4) does not require a person to give any advice if it has already been given by the person's wife or de facto partner.

32 Placement of child for adoption in conformity with religious upbringing intentions

- (1) The Director-General or the principal officer of the private adoption agency is to make all reasonable efforts to place the child with an approved person whose expressed intention for the religious upbringing of that child is in accordance with any wish expressed by a parent or guardian of the child in the instrument of consent to adoption of the child.

- (2) Despite subclause (1), if compliance with an expressed wish of a parent or guardian with respect to a child's religious upbringing is impracticable, the Director-General may authorise in writing the placement of the child with another approved person.
- (3) The Director-General or principal officer is to inform the parent or guardian, if practicable, and is to include in the Director-General's report to the Court under section 21 of the Act a statement of the Director-General's or principal officer's reasons for authorising such a placement.

33 Placement of child for adoption in conformity with wishes as to ethnicity and other things

- (1) The Director-General or the principal officer of the private adoption agency is to make all reasonable efforts to place the child with an approved person:
 - (a) who is of the ethnic group expressed by a parent or guardian of the child in Form 6, completed at the time of signing the instrument of consent to adoption of the child or before the time for revoking consent under section 28 of the Act has expired, as being the ethnic group from which the parent or guardian wishes a person adopting the child to be drawn, or
 - (b) whose domestic arrangements accord with the wishes so expressed by a parent or guardian.
- (2) Despite subclause (1), if compliance with an expressed wish of a parent or guardian is impracticable, the Director-General may authorise in writing the placement of the child with another approved person.
- (3) The Director-General or principal officer is to inform the parent or guardian, if practicable, and is to include in the Director-General's or principal officer's report to the Court under section 21 of the Act a statement, of the Director-General's or principal officer's reasons for authorising such a placement.

34 Confidentiality of adoption proceedings

- (1) Subject to the [Adoption Information Act 1990](#), the Director-General or the principal officer of a private adoption agency is to take such precautions as the Director-General or the principal officer may consider necessary to avoid revealing to any person not directly associated with the proceedings for the adoption of any child:
 - (a) the name or address of the applicant for the adoption order or interim order in respect of that child, or
 - (b) any other matter reasonably likely to enable that applicant, the child or the father or mother or a guardian of the child to be identified.
- (2) The person from whose care a child is transferred to a proposed adoptive parent or parents is not, by reason only of such transfer, entitled to receive information that will

enable that person to identify or locate all or any of the parties to the adoption.

35 Effect of having name on adoption register

Nothing in this Regulation:

- (a) requires the Director-General or the principal officer of a private adoption agency to place a child for the purposes of adoption with an applicant whose name is on the adoption register, or
- (b) gives an applicant whose name is on the adoption register any right or entitlement to the placement of a child for the purposes of adoption.

Part 6 Miscellaneous

36 Fee for application for adoption order or interim order

- (1) The fees specified in Schedule 3 must be paid by the applicant concerned for the matters referred to in that Schedule.
- (2) A private adoption agency is entitled to charge the applicant for an adoption order a fee, determined by the Minister, in consultation with that agency, to cover the administrative, legal or other expenses in connection with the application if the principal officer of the agency:
 - (a) makes or is requested to make an application for an adoption order or interim order, or
 - (b) is involved in the preparation, on behalf of an applicant, of such an application.
- (3) No legal proceedings are to be initiated or continued by the Director-General or the principal officer to obtain payment of the fee after the adoption order has been made by the Court.
- (4) The Director-General or the private adoption agency may, having regard to the circumstances of a particular application, remit the fee wholly or in part, or may, at the Director-General's or its discretion, refund the fee or part of the fee to the applicant.

37 Case records

- (1) The Director-General and the principal officer of the private adoption agency is to maintain a case record (including any reports obtained under clause 29) of:
 - (a) each person and that person's child adopted under arrangements made by the Director-General or the private adoption agency, and
 - (b) each person who has requested the Director-General or the private adoption agency to make arrangements for the adoption of a child by the person.

- (2) The records are open to inspection only:
 - (a) by the Court, or
 - (b) by an officer of the private adoption agency or any consultant appointed by the private adoption agency, or
 - (c) by the Director-General or any other person authorised in writing to inspect any such record by the Court or by both the Director-General and the principal officer of the private adoption agency.
- (3) The case records are not to be destroyed.

38 Confidentiality of certain records and memoranda under Act

The records of any proceedings under the Act or a memorandum sent to the Principal Registrar by the Deputy Registrar of the Supreme Court in accordance with sections 61, 62 or 63 of the Act are open to inspection only:

- (a) by officers of the Court, or
- (b) by the Director-General, or
- (c) by the principal officer of a private adoption agency in respect of proceedings in which the private adoption agency was involved, or
- (d) on the order of the Court or on the order of the Children's Court in respect of proceedings taken under Part 6 of the Act.

39 Prescribed form of memoranda under Act

The prescribed form of a memorandum referred to in sections 61, 62 and 63 of the Act (other than one in respect of the discharge of an adoption order) is Form 7.

40 Requirements for certain prescribed form

- (1) Form 7 is to be printed or typed on one sheet of paper.
- (2) The sheet of paper is to be of a quality and size approved by the Principal Registrar.
- (3) The page of Form 7 designated "A" is to be printed on one side of the sheet of paper and the page of Form 7 designated "B" is to be printed on the reverse side of that sheet of paper.
- (4) The particulars required to be shown on the page on Form 7 designated "B" are to be entered free of errors, alterations, inter-lineations or erasures.

41 Prescribed form of memorandum for discharge of adoption order

The prescribed form of the memorandum in respect of discharge of an adoption order

referred to in sections 61, 62 and 63 of the Act is Form 8.

42 Prescribed children

For the purposes of section 68A of the Act, the following classes of children are prescribed:

- (a) children who, in the opinion of the Director-General, are intellectually disabled,
- (b) children who, in the opinion of the Director-General, have a substantial physical, emotional or sensory disability,
- (c) any other children whose circumstances are such that, in the opinion of the Director-General, their best interests would be served by the Director-General entering into an agreement referred to in section 68A of the Act.

43 Repeal

- (1) The *Adoption of Children Regulations* are repealed.
- (2) Any act, matter or thing that, immediately before the repeal of the *Adoption of Children Regulations*, had effect under those Regulations, continues to have effect under this Regulation.

Schedule 1 Forms

Form 1

ADOPTION OF CHILDREN ACT 1965

Adoption of Children Regulation 1995

(clause 21 (a))

Sections 26, 29

GENERAL CONSENT TO ADOPTION OF A CHILD

- (a) Full name I, (a)
- (b) Insert single person,
married woman/man or
divorced person a, (b)
- (c) Residential address of, (c)
- (d) Insert mother, father, or
guardian being the (d)
- (e) Full name of child of (e)
- (f) Date of birth of child who was born on the (f) day of 19.....
- (g) Child's place of birth at (g) in the State of

consent to the adoption of this child by any person or persons approved and selected to adopt the child in accordance with the law of New South Wales.

(h) Strike out and initial the paragraph* not required

* I do not desire to express a wish with respect to my child's religious upbringing.

* I desire that my child be brought up in the (i) religion.

* I desire that my child not be placed with adoptive parent(s) of the (i) religion.

(i) Insert specific religious denomination

I understand it may not be practicable for the Director-General/ Principal Officer to place my child with suitable adoptive parent(s) of this religious conviction. The Director-General may authorise my child's placement with persons of different religious convictions but, if practicable, I will be advised of this and the reasons for that placement will be reported to the Court.

In consenting to the adoption I have been informed and understand:

Strike out this paragraph if the child is a ward under the *Children (Care and Protection) Act 1987*

1. The Director-General of the Department of Community Services will become the guardian of my child once all the necessary consents to the adoption have been given.
2. On the making of the Adoption Order my legal rights as a parent of the child will cease and those rights will be transferred to the adoptive parent(s), and that for all legal purposes my child will be considered to be the child of the adoptive parent(s), the same as if born to them.

(j) Insert last date for revocation of consent

3. I have the right to withdraw my consent for adoption before (j) 19..... which is 30 days from the day on which I signed consent, or before the making of the Adoption Order (whichever is the earlier) by giving notice in writing to the Deputy Registrar, Supreme Court, Sydney.

4. I have been informed of my rights under the *Adoption Information Act 1990*.

(k) Strike out words not required

5. I request and authorise the Department of Community Services*/the Principal Officer* (k) of (Private Adoption Agency) to make arrangements for the adoption of my child by persons approved as fit and proper to adopt a child and selected as suitable to adopt my child.

Signature:

Dated this day of 19..

Witness:

Qualification:

STATEMENT OF PERSON QUALIFIED TO WITNESS AN INSTRUMENT OF CONSENT

- (a) Full name I, (a)
- (b) Occupation a, (b)
- (c) Residential address of, (c)
declare:
- (d) Qualification under clause 22 of the Regulation to witness a consent. 1. I am a (d)
- (e) Date consent was signed 2. On (e) 19.....
- (f) Full name of person giving consent I witnessed (f)
give consent to the adoption
- (g) Full name of child of (g)
3. I have sighted the following document(s) of identity of the person giving consent ..
4. I am satisfied that (h)
was provided with a copy of this form and was given written information on the legal implications of adoption, the legal alternatives to adoption and the legal consequences of signing the instrument of consent not less than 72 hours before giving consent.
- (h) Full name of person giving consent I have explained to (i)
the effects of an adoption and procedures including the procedure for revoking the consent to adoption, and am satisfied that he/she understands these procedures and the effect of signing the consent.
- (i) Full name of person giving consent
- (j) Full name of person giving consent I afforded (j)
ample opportunity to read the instrument of consent.
- (k) Strike out paragraph if not required As the person giving consent is under 16 years of age, I have attached a report prepared by (l) stating that, in his or her opinion, the person is capable of understanding the effect of signing the instrument of consent.
- (l) Insert name of registered psychologist or other expert

Signature:

Dated this: day of 19.....

WHO CAN WITNESS AN ADOPTION CONSENT

The following persons are prescribed by clause 22 of the *Adoption of Children Regulation 1995* to witness a consent to adoption:

- (a) if the instrument is signed in New South Wales:
(i) the Director-General; or

- (ii) a commissioner for affidavits; or
 - (iii) a barrister or solicitor; or
 - (iv) a clerk of a Local Court; or
 - (v) a principal officer of a private adoption agency; or
 - (vi) a member of the Australian Association of Social Workers; or
- (b) if the instrument is signed in another State or in a Territory:
- (i) a barrister or solicitor; or
 - (ii) a member of the Australian Association of Social Workers; or
 - (iii) a person authorised by the law of that State or Territory to attest to a consent to the adoption of a child;
or
- (c) if the instrument is signed in another place:
- (i) an Australian Consular officer as defined in section 26 of the *Oaths Act 1900*; or
 - (ii) a judge of a court of that place; or
 - (iii) a magistrate or justice of the peace of or for that place; or
 - (iv) a person authorised by the law of that place to attest to a consent to the adoption of a child.

Consent to adoption is not to be witnessed by the lawyer who acts for the applicant(s) for an adoption order in respect of the child who is the subject of the consent, or by any partner or employee of the lawyer.

Consent to adoption is not to be witnessed by an officer of the Department of Community Services or an employee of a private adoption agency or private foster agency who is the caseworker for the applicant(s) for the adoption order in respect of the child who is the subject of the consent.

OFFENCES

It is an offence under section 50 of the *Adoption of Children Act 1965* for any person to give or receive payment or reward in relation to the giving or signing of an instrument of consent to adoption.

It is an offence under section 57 of the *Adoption of Children Act 1965* to use any force or threat to influence a person to sign or not to sign an instrument of consent to adoption.

ADOPTION OF CHILDREN ACT 1965

Section 28

REVOCAION OF ADOPTION CONSENT

The period of time in which you can withdraw (revoke) your consent to adoption is 30 days after the date you signed consent, or before the making of the Adoption Order, whichever day is the earlier. You cannot withdraw your consent after this period.

To withdraw your consent you must give a notice in writing to:

The Deputy Registrar
Supreme Court
Corner King and Macquarie Streets
SYDNEY NSW 2000

You can do this by writing a letter, or using this form. You may choose to post the notice or deliver it personally to the Court.

NOTICE TO:

The Deputy Registrar
Supreme Court
Corner of King and Macquarie Streets
SYDNEY NSW 2000

(a) Full name of person revoking consent I, (a)

(b) Residential address of, (b)

(c) Insert mother, father or guardian am the (c)

(d) Full name of child of (d)

(e) Date of birth who was born on the (e) .. day of .. 19..

(f) Place and State of birth of child at (f) in the State of

(g) Insert date of consent On (g) I consented to the adoption of this child.

I hereby withdraw my consent to this child's adoption.

(h) Signature of person revoking consent Signature:

(i) Date of signing revocation Dated this: day of 19.....

Form 2
ADOPTION OF CHILDREN ACT 1965

Adoption of Children Regulation 1995

(clause 21 (b))

GENERAL CONSENT TO ADOPTION OF A CHILD WHO IS A WARD WITHIN THE MEANING OF THE CHILDREN (CARE AND PROTECTION) ACT 1987

(a) Full name of Minister's delegate I, (a)
a delegate of the Minister administering the *Children (Care and Protection) Act 1987*, Sydney, New South Wales, being the guardian of (b)

(b) Full name of child

(c) and (d) who was born at (c)

Child's place of birth in the State of (d)

(e) Child's date of birth (e) on the day of 19..... consent to the making of an Adoption Order under which

(f) Full name of child (f)
will be the adopted child of any person or persons approved and selected to adopt the child, in accordance with the law of New South Wales.

Signature:

Dated this: day of 19.....

Witness:

Qualification:

WHO CAN WITNESS AN ADOPTION CONSENT

The following persons are prescribed by clause 22 of the *Adoption of Children Regulation 1995* to witness a consent to adoption:

(a) if the instrument is signed in New South Wales:

(i) the Director-General; or

(ii) a commissioner for affidavits; or

(iii) a barrister or solicitor; or

(iv) a clerk of a Local Court; or

(v) a principal officer of a private adoption agency; or

(vi) a member of the Australian Association of Social Workers; or

(b) if the instrument is signed in another State or in a Territory:

(i) a barrister or solicitor; or

(ii) a member of the Australian Association of Social Workers; or

(iii) a person authorised by the law of that State or Territory to attest to a consent to the adoption of a child;
or

(c) if the instrument is signed in another place:

(i) an Australian Consular officer as defined in section 26 of the *Oaths Act 1900*; or

(ii) a judge of a court of that place; or

(iii) a magistrate or justice of the peace of or for that place; or

(iv) a person authorised by the law of that place to attest to a consent to the adoption of a child.

Consent to adoption is not to be witnessed by the lawyer who acts for the applicant(s) for an adoption order in respect of the child who is the subject of the consent, or by any partner or employee of the lawyer.

Consent to adoption is not to be witnessed by an officer of the Department of Community Services or an employee of a private adoption agency or private foster agency who is the caseworker for the applicant(s) for the adoption order in respect of the child who is the subject of the consent.

OFFENCES

It is an offence under section 50 of the *Adoption of Children Act 1965* for any person to give or receive payment or reward in relation to the giving or signing of an instrument of consent to adoption.

It is an offence under section 57 of the *Adoption of Children Act 1965* to use any force or threat to influence a person to sign or not to sign an instrument of consent to adoption.

Form 3

ADOPTION OF CHILDREN ACT 1965

Adoption of Children Regulation 1995

(clause 21 (c))

GENERAL CONSENT TO ADOPTION OF A NON-CITIZEN CHILD UNDER THE GUARDIANSHIP OF THE MINISTER ADMINISTERING THE IMMIGRATION (GUARDIANSHIP OF CHILDREN) ACT 1946 OF THE COMMONWEALTH

- I, (a)
- (a) Full name of Minister's delegate a delegate of the Minister administering the *Immigration (Guardianship of Children) Act 1946* of the Commonwealth, being the guardian of
- (b) Full name of child (b)
- (c) and (d) born at (c)
- (d) on the day of 19.....
- Child's place of birth and date of birth consent to the making of an Adoption Order under which the child will be the adopted child of any person or persons approved and selected to adopt the child, in accordance with the law of New South Wales.
- Signature:
- Dated this: day of 19.....
- Witness:
- Qualification:

WHO CAN WITNESS AN ADOPTION CONSENT

The following persons are prescribed by clause 22 of the *Adoption of Children Regulation 1995* to witness a consent to adoption:

- (a) if the instrument is signed in New South Wales:
- (i) the Director-General; or
 - (ii) a commissioner for affidavits; or
 - (iii) a barrister or solicitor; or
 - (iv) a clerk of a Local Court; or
 - (v) a principal officer of a private adoption agency; or
 - (vi) a member of the Australian Association of Social Workers; or
- (b) if the instrument is signed in another State or in a Territory:
- (i) a barrister or solicitor; or
 - (ii) a member of the Australian Association of Social Workers; or
 - (iii) a person authorised by the law of that State or Territory to attest to a consent to the adoption of a child; or
- (c) if the instrument is signed in another place:
- (i) an Australian Consular officer as defined in section 26 of the *Oaths Act 1900*; or

- (ii) a judge of a court of that place; or
- (iii) a magistrate or justice of the peace of or for that place; or
- (iv) a person authorised by the law of that place to attest to a consent to the adoption of a child.

Consent to adoption is not to be witnessed by the lawyer who acts for the applicant(s) for an adoption order in respect of the child who is the subject of the consent, or by any partner or employee of the lawyer.

Consent to adoption is not to be witnessed by an officer of the Department of Community Services or an employee of a private adoption agency or private foster agency who is the caseworker for the applicant(s) for the adoption order in respect of the child who is the subject of the consent.

OFFENCES

It is an offence under section 50 of the *Adoption of Children Act 1965* for any person to give or receive payment or reward in relation to the giving or signing of an instrument of consent to adoption.

It is an offence under section 57 of the *Adoption of Children Act 1965* to use any force or threat to influence a person to sign or not to sign an instrument of consent to adoption.

Form 4
ADOPTION OF CHILDREN ACT 1965

Adoption of Children Regulation 1995

(clause 21 (d))

CONSENT TO THE ADOPTION OF A CHILD BY A RELATIVE OF THE CHILD OR BY TWO PERSONS ONE OF WHOM IS A PARENT OR RELATIVE

- (a) Full name I, (a)
- (b) Insert single person, married woman/
man or divorced person a, (b)
- (c) Residential address of, (c)
- (d) Insert mother, father, or guardian being the (d)
- (e) Full name of child of (e)
- (f) Date of birth of child who was born on the (f) .. day of .. 19..
- (g) Child's place of birth at (g) in the State of
consent to the adoption of this child
- (h) Full names and address of proposed
adopters by (h)
.....
in accordance with the law of New South Wales.

In consenting to the adoption I have been informed and understand:

1. The Court, in considering the child's interests, may determine a guardianship or custody order is a more appropriate order for my child than an adoption order and may make such an order.
 2. On the making of the Adoption Order my legal rights as a parent of my child will cease and those rights will be transferred to the adoptive parent(s), and that for all legal purposes my child will be considered to be the child of the adoptive parent(s), the same as if born to them.
 3. I have the right to withdraw my consent for adoption before (i) which is 30 days from the day on which I signed consent or before the making of the Adoption Order (whichever is the earlier) by giving notice in writing to the Registrar, Equity Division of the Supreme Court, Sydney.
 4. I have been informed of my rights under the [Adoption Information Act 1990](#).
- (i) Insert last date for revocation of consent.

Signature:

Dated this: day
of 19....

Witness:

Qualification:

STATEMENT OF PERSON QUALIFIED TO WITNESS AN INSTRUMENT OF CONSENT

- | | |
|---|---|
| (a) Full name of witness | I, (a) |
| (b) Occupation | a, (b) |
| (c) Residential address | of, (c)
declare: |
| (d) Qualification under clause 22 of the Regulation to witness a consent. | 1. I am a (d) |
| (e) Date consent was signed | 2. On (e) 19.. |
| (f) Full name of person giving consent | I witnessed (f)
give consent to the adoption |
| (g) Full name of child | of (g) |

3. I have sighted the following document(s) of identity of the person giving consent
.....
4. I am satisfied that (h)
was provided with a copy of this form and was given written information on the legal implications of adoption, the alternative orders available and the legal consequences of signing the instrument of consent not less than 72 hours before giving consent.
- (h) Full name of person giving consent
- I have explained to (i)
the effects of an adoption and procedures including the procedure for revoking the consent to adoption, and am satisfied that he/she understands these procedures and the effect of signing the consent.
- (i) Full name of person giving consent
- I afforded (j)
ample opportunity to read the instrument of consent.
- (j) Full name of person giving consent
- Signature:
- Dated this: day of 19.....

WHO CAN WITNESS AN ADOPTION CONSENT

The following persons are prescribed by clause 22 of the *Adoption of Children Regulation 1995* to witness a consent to adoption:

- (a) if the instrument is signed in New South Wales:
- (i) the Director-General; or
 - (ii) a commissioner for affidavits; or
 - (iii) a barrister or solicitor; or
 - (iv) a clerk of a Local Court; or
 - (v) a principal officer of a private adoption agency; or
 - (vi) a member of the Australian Association of Social Workers; or
- (b) if the instrument is signed in another State or in a Territory:
- (i) a barrister or solicitor; or
 - (ii) a member of the Australian Association of Social Workers; or
 - (iii) a person authorised by the law of that State or Territory to attest to a consent to the adoption of a child;
or
- (c) if the instrument is signed in another place:
- (i) an Australian Consular officer as defined in section 26 of the *Oaths Act 1900*; or
 - (ii) a judge of a court of that place; or
 - (iii) a magistrate or justice of the peace of or for that place; or

(iv) a person authorised by the law of that place to attest to a consent to the adoption of a child.

Consent to adoption is not to be witnessed by the lawyer who acts for the applicant(s) for an adoption order in respect of the child who is the subject of the consent, or by any partner or employee of the lawyer.

Consent to adoption is not to be witnessed by an officer of the Department of Community Services or an employee of a private adoption agency or private foster agency who is the caseworker for the applicant(s) for the adoption order in respect of the child who is the subject of the consent.

OFFENCES

It is an offence under section 50 of the *Adoption of Children Act 1965* for any person to give or receive payment or reward in relation to the giving or signing of an instrument of consent to adoption.

It is an offence under section 57 of the *Adoption of Children Act 1965* to use any force or threat to influence a person to sign or not to sign an instrument of consent to adoption.

ADOPTION OF CHILDREN ACT 1965

Section 28

REVOCAION OF ADOPTION CONSENT

The period of time in which you can withdraw (revoke) your consent to adoption is 30 days after the date you signed consent, or before the making of the Adoption Order, whichever day is the earlier. You cannot withdraw your consent after this period.

To withdraw your consent you must give a notice in writing to:

The Deputy Registrar
Supreme Court
Corner King and Macquarie Streets
SYDNEY NSW 2000

You can do this by writing a letter, or using this form. You may choose to post the notice or deliver it personally to the Court.

[hrule]

NOTICE TO:	The Deputy Registrar Supreme Court Corner of King and Macquarie Streets SYDNEY NSW 2000
(a) Full name of person revoking consent	I, (a)
(b) Residential address	of, (b)
(c) Insert mother, father or guardian	am the (c)
(d) Full name of child	of (d)
(e) Date of birth	who was born on the (e) .. day of .. 19..
(f) Place and State of birth of child	at (f) in the State of
(g) Insert date of consent	On (g) I consented to the adoption of this child. I hereby withdraw my consent to this child's adoption.
(h) Signature of person revoking consent	Signature:

(i) Date of signing revocation Dated this: day of 19.....

Form 5
ADOPTION OF CHILDREN ACT 1965

Adoption of Children Regulation 1995

(clause 28)

Sections 26 (4A) and 33

CONSENT BY A CHILD WHO HAS ATTAINED THE AGE OF TWELVE YEARS TO HIS OR HER ADOPTION

- (a) Full name I, (a)
- (b) Full address of, (b)
- (c) Date of birth born on the (c) day of 19.....
- (d) Place of birth at (d) in the State of
- consent to the making of an Adoption Order in respect of me in favour of
- (e) Full name of female applicant of (e) and
- (f) Full name of male applicant (f)
- (g) Full address of applicant(s) of, (g)
- (h) State biological or legal relationship with proposed adopters who is/are my (h)
- I request that on the making of the Adoption Order my name will be
- (i) Full name for amended Birth Certificate (i)
- In consenting to my adoption I have been informed and understand:
- (j) Insert full names of applicants 1. On the making of the Adoption Order, (j) will become my legal parent(s) and for all legal purposes I will be considered to be her/his/their* child as if I had been born to her/him/them*.
- * Strike out the words not required 2. On the making of the Adoption Order, an amended "birth" certificate will be issued by the Registry of Births, Deaths and Marriages, which will record my name as the one I have requested, and will not record any details of my birth parents.

* Strike out this paragraph if the child is not a ward under the *Children (Care and Protection) Act 1987*

*3. On the making of the Adoption Order, the Minister for Community Services will cease to be my guardian, these responsibilities being transferred to my adoptive parents.

4. The rights of an adult adopted person under the *Adoption Information Act 1990* have been explained to me.

Signature:

Dated this: day of 19.....

Witness:

Qualification:

STATEMENT OF PERSON QUALIFIED TO WITNESS AN INSTRUMENT OF CONSENT

- | | | |
|-----|---|---|
| (a) | Full name of witness | I, (a) |
| (b) | Occupation | a (b) |
| (c) | Address | of, (c)
declare: |
| (d) | Qualification under clause 22 of the Regulation to witness a consent. | 1. I am a (d) |
| (e) | Date consent was signed | 2. On (e) 19.. |
| (f) | Full name of child giving consent | I witnessed (f)
give consent to the adoption. |
| (g) | Full name of child giving consent | 3. I have sighted the following document(s) of identity of the child (g)
giving consent. |
| (h) | Full name of child giving consent | 4. I am satisfied that (h)
was given written information on the legal implications of adoption and the legal consequences of signing the instrument of consent not less than 72 hours before giving consent. |
| (i) | Full name of child giving consent | I have explained to (i)
the effects of an adoption and procedures and am satisfied that he/she understands these procedures and the effect of signing the consent. |
| (j) | Full name of child giving consent | I afforded (j)
ample opportunity to read the instrument of consent. |

Signature:

Dated this: day of 19.....

WHO CAN WITNESS AN ADOPTION CONSENT

The following persons are prescribed by clause 22 of the *Adoption of Children Regulation 1995* to witness a consent to adoption:

- (a) if the instrument is signed in New South Wales:
 - (i) the Director-General; or
 - (ii) a commissioner for affidavits; or
 - (iii) a barrister or solicitor; or
 - (iv) a clerk of a Local Court; or
 - (v) a principal officer of a private adoption agency; or
 - (vi) a member of the Australian Association of Social Workers; or
- (b) if the instrument is signed in another State or in a Territory:
 - (i) a barrister or solicitor; or
 - (ii) a member of the Australian Association of Social Workers; or
 - (iii) a person authorised by the law of that State or Territory to attest to a consent to the adoption of a child;
or
- (c) if the instrument is signed in another place:
 - (i) an Australian Consular officer as defined in section 26 of the *Oaths Act 1900*; or
 - (ii) a judge of a court of that place; or
 - (iii) a magistrate or justice of the peace of or for that place; or
 - (iv) a person authorised by the law of that place to attest to a consent to the adoption of a child.

Consent to adoption is not to be witnessed by the lawyer who acts for the applicant(s) for an adoption order in respect of the child who is the subject of the consent, or by any partner or employee of the lawyer.

Consent to adoption is not to be witnessed by an officer of the Department of Community Services or an employee of a private adoption agency or private foster agency who is the caseworker for the applicant(s) for the adoption order in respect of the child who is the subject of the consent.

OFFENCES

It is an offence under section 50 of the *Adoption of Children Act 1965* for any person to give or receive payment or reward in relation to the giving or signing of an instrument of consent to adoption.

It is an offence under section 57 of the *Adoption of Children Act 1965* to use any force or threat to influence a person to sign or not to sign an instrument of consent to adoption.

Form 6

ADOPTION OF CHILDREN ACT 1965

Adoption of Children Regulation 1995

(clause 33)

STATEMENT OF REQUESTS OF CONSENTING PARENT

This Form should be used in conjunction with FORM 1 and should be completed at the time of consent or before the end of

the period when consent can be revoked

Strike out the words* not required.

In stating these requests I understand it may not be practicable for the Director-General of the Department of Community Services*/Principal Officer* of
(specify Private Adoption Agency) to find a placement for my child which meets all my wishes. In that case, if it is in my child's interests, the Department of Community Services*/Principal Officer* may authorise a placement that does not fit my wishes, but if at all practicable I will be advised and the reasons for doing so must be reported to the Court.

I also understand that, prior to my child's 18th birthday I may have a degree of indirect or direct contact with my child subject to mutual agreement with the adoptive parent(s) and to any order made by a Court in association with the Order of Adoption.

A. PLACEMENT REQUESTS

1.

Strike out and initial the paragraph* not required.

Race and ethnicity

*I do not desire to express a wish with respect to the race or ethnic background of any parents considered suitable to adopt my child.

*I desire my child be placed with approved and suitable adoptive parents of the following race or ethnic background:
.....

2.

Status

(a)

*I desire my child be placed with approved and suitable married adoptive parents.

Strike out and initial the paragraph* not required.

(b)

*I desire my child be placed with approved and suitable adoptive parents living in a bona fide de facto relationship.

(c)

*I desire my child be placed with a single approved and suitable adoptive parent.

(d)

*I do not desire to express a wish in relation to (a), (b) or (c).

3.

Future information

Strike out and initial the paragraph* not required.

*I do not wish to receive information about my child at this stage, but understand I may contact the Department of Community Services or the Private Adoption Agency to request such information in the future.

*I desire my child be placed with adoptive parent(s) who agree to give information about my child to the Department of Community Services or the Private Adoption Agency and request such information be provided:

*(i)

within 3 months of the child's placement

Strike out and initial any statement* not required.

*(ii)

every 12 months

*(iii)

other (specify wish).....

4.

Selection of adoptive parents

Strike out the words* not required.

I do*/do not* wish to be involved in the selection of suitable adoptive parents for my child.

5.

Meeting with adoptive parents

Strike out the words* not required.

I desire*/do not desire* my child be placed with suitable adoptive parent(s) who agree to meet me at the time of, or following, the child's placement.

6.

Other requests

*Insert any additional placement request.

In addition to these requests, in considering the adoptive placement of my child, I desire*
.....
.....

B. INFORMATION FROM AGENCY

In expressing any request for information I accept my responsibility for advising the Department of Community Services or Private Adoption Agency of my current address.

Strike out the words* not required.

1.

I do*/do not* wish to be informed of the placement of my child with the adoptive parent(s).

Strike out the words* not required.

2.

I do*/do not* wish to be informed of the making of the Adoption Order by the Supreme Court.

Strike out the words* not required.

3.

I do*/do not* wish to be informed should the Department of Community Services or Private Adoption Agency become aware my child is no longer in the care of the adoptive parent(s).

Strike out the words* not required.

4.

I do*/do not* wish to be informed should the Department of Community Services or Private Adoption Agency learn of the death of my child.

Having stated these requests I understand that I may change my wish, should I seek to do so by contacting the Department of Community Services or Private Adoption Agency.

Signature:

Dated this: day of 19.....

Witness:

Qualification:

Form 7
ADOPTION OF CHILDREN ACT 1965

Adoption of Children Regulation 1995

(clause 39)

"A"

Memorandum of an Adoption Order

(or of Order Declaring Foreign Adoption Valid)

Number of 19.. Date of Court's Order:

Court by which Order made (if other than the Supreme Court of New South Wales)

.....

PARTICULARS OF CHILD (PRIOR TO ADOPTION)

1. *Year of registration and registration number
2. Surname prior to adoption
3. Other name or names
4. Sex
5. Date of birth
6. Place of birth
7. Father's surname
8. Father's other name or names
9. Mother's maiden surname
10. Mother's other name or names

I certify that, by the above Order, the adoption of the child referred to † and the particulars on the reverse side of this memorandum are furnished for entry in the register of adoptions.

Deputy Registrar of the Supreme Court.

* Enter General Registry number, if shown at head of birth certificate, otherwise place of registration and entry number as shown in column 1 of birth certificate.

† Insert “was effected” or “was declared to be valid”, as the case may require.

“B”

Child	
Surname	
Other names	
Sex	
Date of birth	
Place of birth	
Parents of Child	
Father—Surname	
Other names	
Occupation	
Age	
Place of birth	
Mother—Surname	
Maiden surname	
Other names	
Occupation	
Age	
Place of birth	
Date of marriage	
Place of marriage	
Previous children of marriage	
Informant	
Particulars of registration	Date
	Principal Registrar Number

Form 8

- (f) Give details of the access order
2. The terms of access were (f)
.....
.....
- * Strike out words* not required
3. I currently do*/do not* have contact with the above child
- (g) Give details of frequency of access
- (g)
.....
- * Strike out and initial the paragraph not required
4. * I am not seeking access with the above child following the making of the Adoption Order.
- (h) Insert frequency of access desired
- * On the making of the Adoption Order I wish the above child's contact with me to continue (h)
.....
.....
- * Strike out words* not required
5. I do*/do not* believe there is any necessity for the Court to make an Order stipulating this access.

Signature:

Dated this: day of 19.....

Witness:

Qualification:

Schedule 2 Conditions and requirements of approvals of private adoption agencies

(clause 5)

1 Principal officer

The principal officer of the private adoption agency is to be:

- (a) a person qualified for membership of the Australian Association of Social Workers who has had experience in adoption, substitute care or family services, or
- (b) a person who, in the opinion of the Director-General, holds relevant tertiary qualifications in social science and has had sufficient experience in adoption, substitute care or family services, to carry out the duties and functions of a principal officer.

2 Acting principal officer

- (1) During the absence through illness, or other cause, of the principal officer of the private adoption agency having one of the qualifications referred to in clause 1, the acting principal officer is to be a person employed by the private adoption agency who

has such a qualification.

- (2) A person must not be an acting principal officer for a period of more than 12 weeks in total in any calendar year without the prior approval of the Director-General.

3 Panel of professional consultants

The private adoption agency is to appoint and retain the services of a panel, approved by the Director-General, of professional consultants from the fields of medicine, psychology, psychiatry, law and social work to advise the principal officer:

- (a) on the assessment of the suitability of children and proposed adoptive parents for an adoption placement, or
- (b) on such other matters related to the arranging of adoptions, on which such assistance may be required.

4 Engagement of certain staff and consultants

The principal officer of the private adoption agency is, within 7 days of the engagement or appointment, to notify the Director-General of:

- (a) the names of the persons engaged on the agency's behalf in the conduct of negotiations or the making of arrangements with a view to the adoption of children, and
- (b) the names of persons appointed to the panel of professional consultants referred to in clause 3, and of any changes in the persons so engaged or appointed.

5 Employment of additional staff

The private adoption agency is, if its principal officer is notified by the Director-General that the Director-General considers the agency has insufficient staff with suitable qualifications and experience to enable it to carry out its functions as a private adoption agency, to employ additional staff approved by the Director-General.

6 Adoption placements

The principal officer of the private adoption agency is to authorise the final arrangements of any adoption placement made on behalf of the private adoption agency.

7 Change of address, management or control

The private adoption agency is, within 7 days of any change in its address, management or control, to notify the Director-General of the change.

8 Notice of alteration of objects, purposes, rules, memorandum or articles of agency

- (1) The principal officer of the private adoption agency is, within one month after the alteration of:

- (a) any objects or purposes of the private adoption agency, or
 - (b) any rules or memorandum or articles of the private adoption agency, or
 - (c) any trusts relating to the private adoption agency,
- to give to the Director-General written notice of the alteration.

- (2) The notice is to be accompanied by a copy of the instrument evidencing the alteration, and in the case of an alteration to the objects, purposes, rules, memorandum or articles of the agency, evidence that the alteration is authorised and is made in the manner provided by its rules, memorandum or articles.

9 Criteria for approval and selection of applicants to adopt children

- (1) The principal officer of a private adoption agency that is approved after the commencement of this Regulation is, within one month after the grant of approval, to determine the criteria for approval and selection of applicants to adopt children through the agency and notify the Director-General.
- (2) The principal officer of every private adoption agency is, within one month of a change in criteria notified under this clause or under the Adoption of Children Regulations as in force immediately before the commencement of this Regulation to notify the Director-General accordingly.
- (3) The principal officer of the private adoption agency is to advise applicants who wish to adopt a child through the agency of the criteria for approval and selection of applicants to adopt children through the agency and of any change to those criteria.
- (4) The principal officer of the private adoption agency is to make provision to the satisfaction of the Director-General for independent review of the applications of applicants who have not been approved by the principal officer as persons suitable to adopt a child and who consider they should have been approved.

10 Negotiations and arrangements for adoptions

In conducting negotiations or making arrangements with a view to the adoption of children, the private adoption agency is to make provision to the satisfaction of the Director-General for:

- (a) the counselling of parents who have requested the private adoption agency to make arrangements for the adoption of their children, and
- (b) the investigation, approval and selection of applicants to adopt any such children, including the making of visits to the homes of applicants, and
- (c) the supervision of the placement of any such child with an approved person until the Court has made an adoption order in respect of that child, and

- (d) the provision of counselling and other post adoption services, and
- (e) the provision of information of the kind referred to in clause 23 (1) (b).

11 Office facilities

The private adoption agency is to provide adequate office facilities for all functions performed by it in relation to the adoption of children, including facilities for confidential interviews.

12 Care of children

- (1) The private adoption agency is to arrange adequate care for any child:
 - (a) in respect of whom:
 - (i) a general consent to adopt has been given, and
 - (ii) the private adoption agency has agreed to make arrangements with a view to the adoption as requested by the person signing the instrument of consent, or
 - (b) in respect of whom the Court, on the application of the principal officer of the private adoption agency, has made an order under section 32 of the Act.
- (2) The private adoption agency is to remain responsible for the arrangement of adequate care for any child referred to in subclause (1) until:
 - (a) an adoption order has been made in respect of the child, or
 - (b) the instrument of consent to the adoption of the child is lawfully revoked, or
 - (c) the Court makes an order for the care and custody of the child otherwise than by the private adoption agency, or
 - (d) the private adoption agency makes another arrangement approved by the Director-General for the care of the child.
- (3) Despite subclause (2), the private adoption agency is to resume such care at the request of the Director-General if the person in whose care the child had been placed is unwilling to continue such care or, not being the applicant for the adoption order, is unsuitable in the opinion of the Director-General to provide such care.

13 Placement of child with proposed adoptive parents

- (1) The private adoption agency must not place any child in the care and control of a person who proposes to adopt the child if the principal officer of the agency is aware that an adoption order in favour of that person could not lawfully be made.
- (2) The principal officer of the private adoption agency is to satisfy himself or herself that the placement of a child with the proposed adoptive parent or parents is satisfactory

before making an application to the Court for an adoption order or interim order on behalf of the applicant or applicants, but is to make such application with the least possible delay having regard to the circumstances of that placement.

14 Statistical information

During the months of January and July in each year the principal officer is to furnish the Director-General with such information concerning the arrangements for adoptions carried out by the private adoption agency (including details of any arrangements made under clause 12 of this Schedule) as the Director-General may require.

15 Inspection of office or premises of agency

- (1) The Director-General may, at any time, enter the office or other premises of the private adoption agency and inspect the office or premises and all records maintained by the private adoption agency.
- (2) The principal officer of the private adoption agency is to afford all reasonable facilities for an inspection by the Director-General.

Schedule 3 Fees

(clause 35)

Part 1 Pre-applications and preparation for assessments (Part 3 of Regulations)

For supplying a person who submits an expression of interest under clause 6 with information under that clause:

(a)	for general initial information	Nil
(b)	for supply of information and publications	\$31
(c)	preparation seminar conducted by the Department:	
	(i) 1 day seminar (per couple)	\$73
	(ii) 2 day seminar (per couple)	\$130

Part 2 Applications and assessments of suitability to adopt—local adoptions (Part 3 of Regulations)

1	On lodging application under clause 8	\$417
2	For assessment under clause 10 or 11 of suitability to adopt (payable before assessment):	
	(a) assessment (up to 14 hours of interviewing and report writing, including at least 1 home visit)	\$1,300

	(b) additional fee (per hour or part of an hour)	\$61
3	For updating assessment report every 18 months to ensure applicant continues to meet criteria for approval	\$175
4	For amendment of assessment report requiring home visit	\$250
5	For amendment of assessment report if change of residence only	\$92

Part 3 Assessments for overseas adoptions (Part 3 of Regulations)

1	On lodging application for report under section 65A of the Act	\$417
2	For assessment under section 65A of the Act:	
	(a) assessment (up to 14 hours, including interviewing, report writing and at least 1 home visit)	\$1,300
	(b) additional fee (per hour or part of an hour)	\$61
3	For updating assessment report every 18 months to ensure applicant continues to meet criteria for approval	\$175
4	For amendment of assessment report requiring home visit	\$250
5	For amendment of assessment report if change of residence only	\$92
6	For additional assessment report at request of overseas authority	\$175

Part 4 Placement of children for the purpose of adoption (Part 5 of Regulations)

Local adoptions

For placement of child (administration costs, including post-placement home visit and preparation of Director-General's report for the Court) (payable on advice of allocation of child) \$700

Overseas adoptions

1	For placement of a child (administration costs, including notification to overseas authority, post-placement home visit and preparation of Director-General's report for the Court) (payable on advice of allocation of child)	\$800
2	For multiple placement—each additional child	\$100

Part 5 Applications to Court (ss 18 and 21 of Act)

If application made by Director-General

For preparation and filing of application for an adoption order (payable before filing):

- | | |
|--|-------|
| (a) Court application fee | \$834 |
| (b) for report where application not made within 12 months following placement | \$390 |
| (c) additional fee (per hour or part of an hour) | \$61 |

If Director-General consents to applicant making own application

For preparation of documents or affidavits (or both) by the Director-General in connection with the application (other than the Director-General's report) \$84

If application made by step-parent or relative

For report prepared by the Director-General under section 21 of the Act:

- | | |
|--|-------|
| (a) report (up to 6 hours interviewing and report writing) | \$390 |
| (b) additional fee (per hour or part of an hour) | \$61 |

Part 6 Additional fees and charges

- 1** Applicants are responsible for any additional charges levied by government departments and agencies within Australia and at consulates (payable before release of documents).
- 2** Applicants are responsible for any charges imposed by overseas authorities in connection with the processing of their applications, allocation of a child, legal expenses payable in the overseas countries and reports requested by the overseas authorities following the finalisation of adoption action.