

# Adopting a child in the Northern Territory

## What is Adoption?

Adoption is a legal and social process that establishes and nurtures a parent-child relationship between prospective adoptive parents and a child.

It provides a child with new legal parents with the culmination of the legal relationship between the child and birth parents, and establishing new legal relationships with the adoptive parents.

It protects the rights of the child (the adoptee), the adoptive parents and the birth parents, and above all, enables a child who cannot be cared for by their family to have a permanent and stable family.

In the Northern Territory, local and overseas adoptions are arranged through Territory Families, Housing and Communities (TFHC) Adoption Unit.

## Who may be adopted

Children from the Northern Territory (NT) and the following authorised countries:

- NT or local/citizen adoption - very few local born children are adopted
- South Korea - limited numbers, usually a quota of two each year
- Philippines - currently on hold
- India
- Thailand - usually a quota of two children each year, no quota for children four years and over
- Taiwan - three programs; Chung Yi and CWLF - special needs & older children, no quota
- Colombia - preference given to applicants with Colombian heritage, those approved to adopt older children and siblings and a willingness to learn Spanish. Colombia is also a same-sex relationship adoption program.

Please check Department of Social Services Website for the most up to date information:

<https://www.intercountryadoption.gov.au/>

In special circumstances, the following children may be adopted:

- children with special needs i.e. physical, mental, emotional
- a spouse's children (stepchildren)
- relative children
- exception cases.

## Costs associated with adoption

- Prospective adoptive families are responsible for costs incurred after the child's placement with them and any legal fees incurred in the process of finalising the adoption.
- Intercountry adoptions incur adoption fees to TFHC - see attached schedule fees.
- Many countries require a psychological assessment, which is paid for by adoptive parents.
- Overseas countries have other costs e.g. processing fees, translation fees, separate fees per child etc.
- Other associated costs include immigration, visa, travel and accommodation charges are applicable to applicants.

## Illegal payments

Under no circumstances are payments made to:

- obtain the consent to a child's adoption
- obtain custody or possession of a child
- influence the conduct or making of adoption arrangements.

## What to do if considering adoption

- Learn about adoption, read articles and books, watch videos, television and join social media groups.
- Contact adoption associations or agencies, and meet other adoptive families.
- Discuss adoption with family and friends.
- Attend two day Mandatory Adoption Training arranged by Territory families.
- For intercountry adoption, this is an expectation to learn about other cultures, especially the adoptive country of your choice, including what age ranges will be an option for you.
- If local adoption is a possibility, be aware of the possible impact of open adoption on your family.

## Open adoption

In the NT, a local adoption could also be negotiated as an open adoption. Components of open adoption may include possibilities such as:

- birth parents participating in the selection of adoptive parents
- birth parents may read non-identifying reports about prospective parents and meet the preferred family; others may prefer not to be involved
- birth and adoptive parents exchanging information about the adoptee via adoption practitioners
- information can be exchanged in various ways (e.g. letters, tapes) - all parties need to agree on the method, frequency and duration of information exchange
- birth parents, the adoptee and the adoptive parents may meet each other on special family occasions – as with information exchange, arrangements must be mutually agreed upon and clear to all parties
- mediation is available if conflict occurs in relation to open adoption arrangements regarding information exchange and access.

## Adoption procedure

All adoptions are legally binding in a court of law. In the Northern Territory, the Children's' Court is responsible for granting adoption orders. Many overseas adoptions are fully finalised off shore.

Before an adoption can be finalised, the following steps need to occur:

- lodgement of an expression of interest (EOI)
- initial meeting with adoption practitioners
- application, including medical, police and child protection checks etc
- assessment
- approval
- allocation of child (ren)
- placement of child (ren)
- post-placement monitoring
- adoption order made by court - for Philippines and Thailand, this is completed in the NT; all other countries are completed overseas.

## Application Criteria

People who meet the following Northern Territory criteria may lodge an application:

- at least 25 years old
- aged between 25 and 40 years older than the child they wish to adopt (though they may be up to 45 years older than the child if they have the care/custody of another child or in exceptional circumstances to comply with the Adoption of Children Act)
- resident of the Northern Territory and an Australian citizen
- sound physical, mental emotional health
- married/de-facto relationship for minimum of two years at the time the order is finalised in the Local or Family Court
- under exceptional circumstances, people not meeting the above criteria may still be eligible to apply.

## Application

Local and Intercountry adoption applications are lodged with the Adoption Unit.

On application, certified copies of the following documents are required:

- birth certificates
- marriage certificate or de-facto statutory declaration
- citizenship document of at least one applicant.

The following forms are required:

- adoption application included the nomination of two referees
- medical reports – including mandatory HIV test
- authority to release criminal history
- Consent to Obtain Child Protection History
- life stories, one for each applicant-template supplied on application.

## Assessment process

A number of meetings occur between applicants and the adoption practitioner from the Adoption Unit.

Areas discussed include:

- background/family of origin
- religion/cultural issues
- applicants relationships
- children
- motivation to adopt
- lifestyle
- expectations
- health
- fertility
- ability to cope with stress
- understanding of issues related to child's identity and background.

## Assessment of special needs children

In some situations, a child available for adoption may have special physical, mental or emotional needs. Applicants interested in adopting a child with special needs must be able to provide a standard of care that meets the child's needs and be able to demonstrate an understanding of issues in regard to the child's needs such as:

- realistic expectations of the child's development and abilities
- appreciating the impact that a child with special needs may have on their family.

Applicants need to be willing to work with professionals, access relevant community services, and support groups.

## Approval

- Applicants will be advised in writing of the outcome of their application.
- Approved applicants will be placed on the NT Adoption Register for a period of two/three years. If at the end of this time an allocation has not occurred, the applicant's approval status will be reviewed. A new letter of approval will be issued to applicants who remain suitable to adopt.
- Applicants not approved may have the right to appeal in certain circumstances.
- Even though applicants have been approved as suitable to adopt a child by TFHC, the Adoption Unit does not have the ability to influence the overseas country's processes and decision-making including the allocation of children.

## Allocation

Time periods until allocation can vary and Adoption Unit staff will be unable to specify when a child will be matched to a family as allocation may depend on the following factors:

- the child's needs
- the child's ethnic background
- the birth parents wishes
- matching of child
- applicant's wishes regarding sex, age and health of the child
- internal unrest within specific country's or unforeseen circumstances
- applicants will be notified when a child is allocated to them - if an allocation is accepted, clients are then required to complete and 'Agreement for the Care and Custody of a Child' which details their obligations in relation to the child
- allocations for an intercountry adoption are dependent on the country of origin, the Adoption Unit does not have the ability to affect the speed of the allocation - when allocated, applicants travel to the nominated country to bring the child into Australia.

## What happens when a child is placed with a family?

- Once a child is placed with a family, the family is responsible for all costs incurred in the child's care. The family is also responsible for honouring any agreement made with the birth parents with regard to information exchange and access.
- Until an adoption order is finalised (approximately 12 months after placement commencement), the child remains in the Guardianship of the Minister. A worker from the Adoption Unit will visit to monitor the child's progress at regular, appointed intervals. In addition, and in accordance with the 'Agreement for the Care and Custody of a Child', applicant's obligations include requesting permission to travel

interstate or overseas with the child, or to seek non-urgent medical (anaesthesia) treatment for the child.

- The placement of a child often brings feelings of joy, doubt and inadequacy, feelings that are normal for all parents. Support is available from the Adoption Unit to assist with issues that may arise at any stage in the child’s development. Other community facilities that may also be valuable include playgroups and a parent group that offers support and the opportunity to participate in social activities with other adopting families.
- At approximately the nine month period, and if the placement has progressed well, applicants will be advised in writing to proceed with finalising the adoption.

## Finalising the adoption

- The adoption is finalised in the Children’s Court of the NT. In some intercountry adoptions, an adoption order is finalised in the child’s country of origin and fully recognised in Australia e.g. Korea.
- An adoption order confers exactly the same legal rights and responsibilities on the adoptive parents and the child as if the adoptive parents were the birth parents of the child.
- The adoptive family meets any legal costs they incur in the process of finalising the adoption, and is responsible for honouring any agreement made with the birth parents with regard to information exchange and access.

## Post adoptive information

If the adoptee has not reached 16 years of age, they may only apply for identifying information if their adoptive parents have provided written support. Once the adoptee is 18 years old, they can apply for information without written approval, as can birth family and adoptive parents.

## Obtaining a birth certificate

Approximately one month after an overseas Adoption Order is granted, adoptive parents may apply to the Registrar of Births, Deaths and Marriages, for an amended Birth Certificate for their child.

## Fees

### Service

### Fee

#### 1. Application and Registration

A service comprising information provision, counselling, processing of application, police check, referee and medical reports to determine eligibility, being a service that is provided for the purposes of section 17(1) of the Act and relates to the adoption of a non-citizen child.

- |                        |         |
|------------------------|---------|
| - first adoption       | \$1,000 |
| - subsequent adoption. | \$600   |

**2. Education and Assessment****\$2,300**

A service comprising counselling, education and written assessments of applicants, being a service provided for the purposes of section 17(2) of the Act and relates to the adoption of a non-citizen child.

**3. File Transmittal and Allocation**

A service comprising preparation and transmittal of overseas file, liaison with overseas authorities for the allocation of a non-citizen child to approved applicants, being a service provided for the purposes of section 21(3) of the Act.

South Korea	\$1,300
Philippines	\$1,635
Thailand	\$1,650
Taiwan	\$1,800
Other approved adoption countries (generally)	\$1,900

**3B. Placement Supervision****\$1,000**

A service comprising placement supervision and preparation of progress reports whilst the child is in the care of the Minister and/or the probationary period specified by the overseas authorities applies, being a service that is provided for the purposes of section 53 of the Act.

**Other fees applicable in the event of:****Reassessment****\$750**

A service comprising counselling, education and re-assessment of applicants where there is a significant change in family circumstances or applicants change their country of origin preference, being a service that is provided for the purposes of section 17(2) of the Act and relates to the adoption of a non-citizen child.

### Allocation of Two Sibling Children

\$750

A service comprising preparation and transmittal of overseas file and liaison with overseas authorities for the allocation of two non-citizen children to approved applicants, being a service that is provided for the purposes of section 21(3) of the Act.

### Allocation of Three Sibling Children

\$1,200

A service comprising preparation, transmittal of overseas, file, and liaison with overseas authorities for the allocation of three non-citizen children to approved applicants, being a service that is provided for the purposes of section 21(3) of the Act.

All programmes and fees are subject to change without notice.

The different countries which Australia and the Northern Territory have Intercountry adoption agreements with may also charge fees. These fees are nominated by each country and are updated by that country periodically. NT Adoption Unit are only able to provide estimates on adoption fees payable to other countries.

## Further information

#### In person:

TFHC Adoption Unit  
Level 2 Darwin Plaza  
41 Smith Street MALL  
DARWIN NT 0800

#### By phone or email:

Phone: (08) 8922 5519 or 8922 7443  
International: +61 8 8822 5519  
Email: TFHC.Adoptions@nt.gov.au

#### By mail:

TFHC Adoption Unit  
PO Box 37037  
Winnellie NT 0821