

## CHAPTER 13 FUTURE SERVICE DELIVERY

### 13.1 Delivery of adoption services in Queensland

#### 13.1.1 Current arrangements

The Queensland Government is responsible for ensuring - in accordance with Article 21 of the *United Nations Convention on the Rights of the Child (UNCROC)* and as required by the *Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption* (Hague Convention) - that the best interests of children are the paramount consideration in adoption. The Department of Families fulfils this responsibility by ensuring that:

- the arrangements for the adoption of a child are authorised only by the Department;
- that the adoption of a child is permissible in view of legislative requirements, the child's status and interests;
- the consent of all persons, as required by legislation, have been given and that persons giving consent are informed and counselled as necessary;
- intercountry adoption may be considered as an alternative means of a child's care, if the child cannot be placed in a foster or an adoptive family, or cannot be cared for in any suitable manner in his/her country of origin;
- safeguards and standards equivalent to those employed to protect the best interests of children in Queensland requiring adoptive families are employed to protect the best interests of children from overseas requiring adoption in Queensland;
- the operation of the intercountry adoption program and the placement of children from overseas with Queensland families does not result in improper financial gain for those involved; and
- bilateral or multilateral arrangements or agreements are in place to ensure the placement of the child from another country with a Queensland family is arranged by the Department and the relevant overseas adoption authority in an appropriate manner.

Although providing adoption services is a Government responsibility, consideration may be given to including legislative provisions that enable non-government agencies to be accredited to provide statutory adoption services in Queensland on behalf of the Government in the future.

Statutory services include services which provide:

- information, in accordance with the provisions of the Act, to people who have been affected by past and current adoption;
- pre-consent counselling services to parents considering adoption for their child;
- services to parents consenting to the adoption of their child;
- services to children in Queensland requiring adoption;
- services to people seeking to adopt a child in Queensland requiring adoption; and
- services to people seeking to adopt a child from overseas requiring an adoptive placement in Queensland.

At present, all statutory services required to give effect to the *Adoption of Children Act 1964* can only be provided by staff of the Department of Families, with the exception of adoption assessment services which may be provided by Adoption Contract Workers. The Act provides for suitably qualified and experienced persons to be contracted to act as the Chief Executive's agents in preparing reports about assessing people seeking to adopt a child.

The Department provides limited support to parties to an adoption after an adoption order is made or after the expiry of a period of supervision required in relation to the adoption of some overseas children. (Issues associated with the provision of post-adoption services are discussed in Chapter 12).



The Department provides two non-government organisations with a small amount of funding to provide support services to people affected by adoption. These organisations are not authorised to deliver statutory services and do not undertake any statutory functions.

A number of other voluntary community groups and organisations provide specific support for individuals affected by adoption, people seeking to adopt children and families who have adopted children. The support provided by these groups and their goals and expressed purposes vary widely. Many groups work collaboratively with the Department to provide support and information to adoption stakeholders, however, they are not authorised to deliver statutory services and do not undertake any statutory functions.

### **13.1.2 Arrangements in other States**

Adoption legislation in most other States and Territories provides for agencies to be approved to provide statutory adoption services. In many States, approved agencies provide services to parents and children considering consenting to adoption. They also provide services associated with the assessment of people seeking to be approved to adopt a child in that State and with matching families with children requiring adoption. Only South Australia has accredited an agency to provide a range of non-statutory intercountry adoption services. In other Australian jurisdictions, legislation generally includes:

- provision for welfare (not-for-profit) organisations to apply to be approved as an adoption agency or to have approval renewed;
- provisions for the Chief Executive or relevant Minister to grant or refuse an application for approval as an adoption agency;
- grounds of refusing an application;
- provisions for the approval of an agency to be subject to conditions and requirements and a specified length of time;
- provision for the approval of an agency to be revoked or suspended;
- authority for the staff of an agency to carry out specific functions under the relevant Adoption Act;
- qualifications and experience required for persons to be employed by agencies;
- statements outlining the duties of the principle officer and staff of an agency; and
- requirements for an agency to report to the Department and maintain records.

In exercising their powers and performing their duties, approved agencies are required to regard adoption as a service for children.

### **13.1.3 Pre-consent counselling services to parents considering adoption for their child**

Counselling and providing information to parents considering adoption for their child is discussed in Chapter 9, sections 9.3 and 9.5.1, and could be done by an accredited person or agency. If this option were pursued, future legislation would need to include, for example, criteria relevant to the approval, operation, staffing and supervision required for an agency to provide such services.

### **13.1.4 Counselling and support services in relation to the provision of information to and contact between people affected by adoption**

The availability of counselling and support services for people seeking information about their birth families or birth child is discussed in Chapter 12.7. Agencies have been accredited to provide such services in some other States. If this option were pursued, legislation would need to include criteria relevant to the approval of those agencies.

### 13.1.5 The provision of intercountry adoption services

The provision of services to people seeking to adopt a child from overseas is often identified as an activity that could be provided by an accredited agency rather than by the Department alone.

The Hague Convention recognises bodies accredited by central authorities to carry out tasks associated with intercountry adoption (the Department is Queensland's central authority). Although central authorities are not required to accredit bodies to provide these services, they may choose to do so.

A central authority may accredit an organisation or agency to undertake duties in relation to intercountry adoption on behalf of the central authority.

According to Article 11 of the Hague Convention, an accredited body shall:

- pursue only non-profit objectives according to such conditions and within such limits as may be established by the competent authorities of the State of accreditation;
- be directed and staffed by persons qualified by their ethical standards and by training or experience to work in the field of intercountry adoption; and
- be subject to supervision by competent authorities of that State as to its composition, operation and financial situation.

Although accredited bodies may be recognised under the Hague Convention, the *Adoption of Children Act 1964* currently makes no provision for non-government organisations to carry out statutory tasks associated with intercountry adoption, or any other adoption task on behalf of the Department. Articles of the Hague Convention relating to the accreditation of bodies to provide adoption services are included in Appendix 3.

Any State seeking to accredit a body to provide adoption services relating to the Hague Convention must do so in accordance with the *Commonwealth-State Agreement for the Implementation of the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption* (Commonwealth-State Agreement).

The Commonwealth-State Agreement sets out criteria for accrediting bodies under the Hague Convention. The criteria were agreed to by the Community Service Ministers' Council and must be applied by any State central authority in Australia seeking to accredit an agency to provide intercountry adoption services. The schedule is reproduced in Appendix 2.

In accordance with the criteria, a body may be accredited to undertake any of the following functions in relation to the adoption process:

- (a) respond to initial enquiries;
- (b) conduct applicant information sessions;
- (c) receive and process expressions of interest;
- (d) receive and process applications to adopt (Article 14);
- (e) undertake assessment of applicants' suitability;
- (f) determine the suitability of applicants;
- (g) forward a report including all relevant information required to the country of origin (Article 15);
- (h) receive allocation of children, confirming the suitability of a proposed match (Article 17b) and advising applicants;
- (i) supervise placement and provide support and advice to applicants following placement;
- (j) in the case of placement breakdown prior to adoption orders being made, consult with the State central authority regarding appropriate arrangements, but the body is not to make decisions on alternative arrangements;
- (k) collect and preserve relevant information about the child and the applicants (Article 9a), and respond to requests for adoption information until the child turns 18;



- (l) prepare general evaluation reports for the State Central Authority (Article 9d);
- (m) provide a referral and support service after granting of the adoption order; and/or
- (n) undertake approved administrative arrangements between already established programs.

### 13.1.6 Accreditation of non-government agencies to provide intercountry adoption services

Although it is possible for an agency to be accredited to provide almost all intercountry adoption services, the responsibility for ensuring that the services provided comply with State legislation and obligations under the UNCROC, the Hague Convention and other relevant agreements is retained by the State central authority.

A receiving country must be able to demonstrate - in accordance with the requirements of the Hague Convention and other international agreements - that it has acted impeccably with the best interests of children central to all processes and arrangements of arranging intercountry adoption.

A range of services may be effectively and efficiently provided either by direct government service provision or by a Government-accredited agency, including functions (a), (b), (e), (i), (k), (l), (m) and (n) outlined above.

A number of responsibilities are critically associated with maintaining and monitoring the quality and accountability of the intercountry adoption program including functions (c), (d), (f), (g), (h) and (j) above, as well as activities associated with reviewing people's eligibility and suitability decisions. If consideration is given to accrediting an agency, the Department should retain responsibility for providing these functions to ensure Government responsibilities are fulfilled.

A number of additional responsibilities and functions that need to be the shared responsibility of the Department and any accredited agency include functions (k) and (m) above.

Providing intercountry adoption services by non-government agencies would require the establishment of and rigorous adherence to strict accountability mechanisms to ensure compliance with international obligations.

#### **Potential benefits of accrediting an agency to provide intercountry adoption services**

Potential benefits of accrediting an agency in Queensland to provide services to people seeking to adopt children from overseas are summarised below:

- improved information and services could be delivered to people seeking to adopt children from overseas by an agency established specifically to provide such services;
- enhanced co-ordination of the Intercountry Adoption Program in Queensland and increased profile of intercountry adoption services; and
- enhanced education and support services could be provided to people seeking to adopt children from overseas and more timely support services could be provided to children who have been adopted from overseas and their adoptive families.

#### **Potential difficulties associated with accrediting an agency to provide intercountry adoption services**

Potential difficulties associated with accrediting an agency in Queensland to provide services to people seeking to adopt children from overseas are summarised below:

- the full range of adoption services would not be provided by a single body and intercountry adoption services would be provided in isolation from other adoption practice and learning;
- administrative complexity and the potential for double handling of tasks could result from services being provided by an agency and approved, monitored and reviewed by the Department;
- the level of resources required for accrediting an agency and monitoring, reviewing and reporting on its services, as well as the resources required by the Department to undertake its remaining functions, may exceed those required for the Department to directly provide all functions; and

- the need to ensure that an agency providing services almost exclusively to people seeking to adopt children from overseas remains focused on the interests of children from overseas requiring adoption, rather than on the interests of people seeking to adopt children from overseas.

*Should legislation provide for non-government agencies to be accredited to provide adoption services such as:*

- *pre-consent counselling services to parents considering adoption for their child;*
- *counselling and support services for people affected by adoption;*
- *services and activities associated with intercountry adoption; and/or*
- *other?*

### 13.2 Adoption services subject to fees

The question of whether adoption authorities should charge fees for the provision of adoption services raises fundamental ethical issues about who adoption serves and the role of the State in arranging adoptions. If it is accepted that adoption is a service for children who otherwise would not have a permanent legal family, and that the role of the State is to protect and meet the needs of these children, then the question of whether fees should be charged by the State for providing these services becomes highly problematic.

#### 13.2.1 Services provided to people affected by past adoption

The *Adoption of Children Regulation 1999* prescribes that people applying for identifying information must pay a \$50 application fee. The fee is waived if the applicant receives a Commonwealth Government income subsidy or is experiencing financial hardship.

Many people applying for identifying information in Queensland have indicated that being required to pay to obtain information about the circumstances of their own birth or their child's adoption is insensitive. Although the fee waive provision is generously applied, some people applying for information consider the fee inappropriate and some others are deterred from making application because of the cost.

The New South Wales Inquiry into Adoption Practice recommended that adopted persons and birth parents should be entitled to receive identifying information and that fees associated with accessing identifying adoption information in that State should be removed.<sup>89</sup>

*Should adults who have been adopted and birth parents who consented to a child's adoption be required to pay a fee to receive identifying information?*

<sup>89</sup> NSW Legislative Council Standing Committee on Social Issues, Inquiry into Adoption Practice between 1950-1998, *Releasing the Past*, 2000



### 13.2.2 Services provided to facilitate the adoption of (non-relative) children in Queensland

The *Adoption of Children Regulation 1999* prescribes a \$53 fee for people to express interest in adopting a child in Queensland who does not have identified special needs and a \$487.30 assessment fee. The actual cost associated with assessing a couple is estimated to be about \$2,500, so the current fees are nominal.<sup>90</sup>

The Regulation does not prescribe application or assessment fees for Special Needs Children's Adoption applicants. Children requiring placements under the Special Needs Children's Adoption program and the General Children's Adoption program are all children born in or resident in Queensland. Application and assessment fees are not applied to Special Needs Children's Adoption applicants and more inclusive eligibility criteria apply so barriers that may prevent prospective adoptive parents with the skills and qualities required to meet a child's needs regarding a physical or intellectual disability or other special need are removed. Assessment requirements and standards are consistent across both adoption programs.

It is appropriate to provide free services to parents considering adoption for their child, children requiring adoptive placements, and people seeking to be assessed as prospective adoptive parents for children with special needs. Providing these services is clearly consistent with the Department's purpose in supporting vulnerable children and families, supervising and assisting young people on court orders, and building strong communities.

Providing services associated with securing the best possible permanent family for all Queensland children requiring adoption (not only those with special needs) could be considered a Departmental responsibility. It has been suggested that it is not appropriate to require people seeking to be approved as prospective adoptive parents to pay application and assessment fees, and that the Department needs people with the capacity to provide quality adoptive placements for children to fulfil its obligations to children in Queensland requiring adoptive families.

The current requirement for couples seeking to adopt a child in Queensland to pay a fee to express interest and an assessment fee may contribute to a pervading perception that the interests of couples seeking to adopt a child, rather than the interests of children requiring adoption, are paramount in the adoption process.

While the needs of children requiring adoptive placements are paramount in the adoption process, prospective adoptive parents provide a service for children who would most likely be in need of long term care provided by the Department if a suitable adoptive placement was not available.

*Should application and assessment fees apply to people seeking to be approved as prospective adoptive parents for children in Queensland?*

### 13.2.3 Services provided to facilitate the adoption of relative children in Queensland

At present, the *Adoption of Children Regulation 1999* prescribes a \$53 application fee and a \$146.30 assessment fee for Relative Children's Adoption applicants. The fees contribute to processing and assessment costs associated with these applications but do not cover the actual costs.

The appropriateness of applying application and assessment fees for Relative Children's Adoption applicants needs to be considered if future legislation continues to provide for an adoption order to be made in favour of a relative of a child, including a child's step-parent.

<sup>90</sup> The estimated cost does not include operating costs required to provide the infrastructure necessary to support the delivery of the intercountry adoption program.

As discussed in Chapter 7, if relative adoption is restricted to instances where an adoption order is the only, or best, way to secure a permanent family for a child, it may not be appropriate to apply application and assessment fees. The rationale for removing the fees (discussed above) would also apply to Relative Children's Adoption.

*Should application and assessment fees apply to people seeking to be approved to adopt their step-child or a child to whom they are related?*

### 13.2.4 Services provided to facilitate the adoption of children from overseas Background

The *Adoption of Children Regulation 1999* prescribes a \$53 fee to express interest in being assessed as a prospective adoptive parent for a child from overseas. Recent amendments to the Regulation have seen the assessment fee rise from \$705.10 to \$2,000. The actual cost associated with services provided to process and assess people seeking to adopt a child from overseas is estimated at about \$4,000, so the fees are nominal.

In addition to the fees prescribed in the Regulation, people seeking to adopt a child from overseas must also pay fees charged by the relevant overseas adoption authority and for the costs associated with travelling to and staying in the relevant overseas country to take custody of a child. These costs may vary between \$7,000 and \$30,000.

The most significant costs associated with intercountry adoption that must be met by people seeking to adopt a child from overseas are the charges levied by overseas adoption authorities and the costs associated with travelling to take custody of a child. Children from overseas requiring adoption can only be adopted by people who are approved as prospective adoptive parents and who can afford to pay the associated fees and costs.

An unintended consequence of the significant cost associated with intercountry adoption is that some people with characteristics and experiences that could benefit children from overseas requiring adoption are unable to proceed with an application because they cannot afford the costs involved. Queensland legislation provides for the Chief Executive to waive the application and/or assessment fee prescribed in the Regulation if payment of the fee would cause financial hardship<sup>91</sup>, however, the Chief Executive has no authority to waive a fee levied by an overseas adoption authority.

Unlike the Queensland Government's responsibility to support vulnerable children and families in Queensland, it is not responsible for supporting children and families overseas. The Government is not required to provide intercountry adoption services in the same way it is obliged to provide services for children in Queensland requiring adoption. Although not obliged to do so, the Government does provide a level of support for vulnerable children in overseas countries by administering legislation which facilitates intercountry adoption and by providing funds for the operation of the intercountry adoption program in Queensland.

The cost of services required to either supervise the placement of children subject to an interim order in Queensland or to supervise the placement of children entering Queensland with their adoptive parents is met by the Department.

At present the resources required for intercountry adoption are provided partially by the Government, through the Department of Families, and partially by people seeking to adopt children from overseas. The Department subsidises the cost of:

- processing applications;
- determining couples' eligibility;
- assessing couples' suitability; and
- preparing couples' files for forwarding overseas.

<sup>91</sup> Adoption of Children Regulation 1999, section 29



The Department currently meets the total costs of:

- providing information and education services;
- further assessment where couples experience a change in their circumstances or because they wish to change their country of preference or wish to be considered for the placement of a child or siblings with characteristics other than those they were assessed as having the capacity to parent;
- interviews concerning proposed placements of a child;
- liaison with overseas countries regarding the placement and/or proposed placement of a child;
- further assessment of the people's eligibility and suitability because their file has been overseas for more than two years and is no longer current;
- post-placement assessment during an interim order or period of supervision after a child's placement in Queensland;
- travel expenses of adoption contract workers undertaking assessment interviews; and
- liaising with overseas adoption authorities about individual applications and the ongoing operation of the intercountry adoption program.

Applicants wishing to adopt a child from overseas partially meet the costs of:

- processing assessments;
- determining eligibility;
- assessing suitability; and
- preparing files for forwarding overseas.

Applicants wishing to adopt a child from overseas meet the total costs of:

- fees and charges levied by the relevant overseas adoption authority;
- travelling to the relevant country to take custody of the child; and
- providing for the child's care upon taking custody of the child or for the child's care in the relevant country from the time of accepting the placement.

The requirement for people seeking to adopt children from overseas to contribute to meeting assessment costs and to fully meet the costs of travelling overseas to take custody of a child are a practical necessity for the ongoing viability of the intercountry adoption program.

However, paying fees and costs can create confusion about the primary purpose of adoption and about whether the interests of the child are paramount in the adoption process or whether the interests of the person paying the fees are paramount. The payment of fees can:

*lead applicants to believe that it is a service for them (and) ... give rise to confusion within the service as to who is their client. As the adopted parents are paying, and they are in (that State) and the children are not, this confusion about the identity of the ultimate client can readily be understood, but needs to be resisted".<sup>92</sup>*

The payment of fees, particularly for services provided by a non-government agency, may work against ensuring children's interests are paramount:

*While levying fees for services provided to couples is contentious enough in its own right, if combined with pressures on agency staff to effect "quick" placements, the result could be a set of expectations that do not highlight the child as the primary client in intercountry adoption. Excellence of service in intercountry adoption ought not to be, and must not be confused with promptness. This delineation may pose difficulties in political, social and economic climates that privilege an insistence on the "customer", as well as favouring results over processes.<sup>93</sup>*

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<sup>92</sup> A Review of the Intercountry Adoption Service in Victoria, 1989, Family and Children's Services Council

<sup>93</sup> Peter Selman (ed), *Intercountry Adoption – Developments, trends and perspectives*, Johnathon Telfer, "Pursuing partnerships – Experiences of intercountry adoption in an Australian setting"; British Agencies for Adoption and Fostering; London; 2000; page 327

While recognising the pressures that might result from the payment of fees by people seeking to adopt a child, facilitating intercountry adoption is resource-intensive and it would not be practical for the total costs associated with intercountry adoption to be met solely by the Queensland Government or solely by people seeking to adopt a child from overseas. What comprises an appropriate ratio of Government contribution and contribution from people seeking to adopt children from overseas for the operation of the intercountry adoption program must be considered.

### **Adequacy of current fees**

Queensland adoption fees are substantially lower than fees prescribed in legislation in other Australian States and Territories. Intercountry adoption processing, assessment and post-placement service costs range from more than \$2,000 to more than \$6,000 in other Australian jurisdictions. A range of information and assessment services and services associated with supervising the placement of children subject to an interim order or a period of supervision after arrival in Australia also apply in other jurisdictions.

The following services and activities are currently subject to fees in Queensland:

- initial expression of interest; and
- assessment by an adoption contract worker or departmental officer.<sup>94</sup>

The additional activities and services subject to fees in other jurisdictions include the following and applicants are not currently required to pay for them:

- information services;
- lodgement of application in addition to initial expression of interest;
- education services;
- change of approval on request of couples or because of a change in their circumstances;
- preparation of files for forwarding overseas;
- allocation and placement services;
- further assessment of people's eligibility and suitability because their file has been overseas for more than two years and is no longer current;
- post-placement assessment during an interim order or period of supervision after a child is placed; and
- travel expenses of adoption contract workers undertaking assessment interviews in rural areas.

### **Activities and services which may be subject to fees**

The Department must, in accordance with Article 21 of the UNCROC and Articles 8 and 32 of the Hague Convention, take all appropriate measures to ensure that the placement of a child does not result in improper financial gain for those involved. Article 32 of the Hague Convention also obliges the Department to ensure the fees it charges a person seeking to adopt a child from overseas directly relate to the actual costs and expenses, including reasonable professional fees associated with the person's application and adoption of a child.

Increasing fees and introducing additional fees for services could increase the Department's capacity to enhance information, education, assessment and support services provided to people seeking to adopt a child from overseas, and children adopted from overseas and their adoptive families.

Consideration must be given charging fees for:

- services provided to people seeking to be assessed as prospective adoptive parents for children overseas; and/or
- services which the Department is responsible for providing after a child enters Queensland with his/her adoptive/prospective adoptive parents.

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<sup>94</sup> The increased assessment fee for inter-country adoption of \$2000 will not be subject to review.



People seeking to be assessed as prospective adoptive parents for children from overseas choose to pursue this course of action and are responsible for their decision to do so. There are many instances where fees are levied on individuals for services associated with an outcome being sought by them. Consideration needs to be given to people who choose to be assessed as prospective adoptive parents for children from overseas to be responsible for the fees associated with their application and assessment.

If levying fees for adoption processing and assessment is considered appropriate, it would be logical for the following services to be subject to fees:

- processing expressions of interest;
- determining peoples' eligibility;
- assessing people's suitability;
- preparing files for forwarding overseas;
- providing information and education services;
- interviews concerning proposed placement of a child;
- finalising the placement and/or proposed placement of a child;
- further assessment where a couple's approval must updated because their file has been in the country for more than two years and is no longer current; and
- travel expenses of adoption contract workers undertaking assessment interviews.

Should people seeking to be assessed as prospective adoptive parents for children from overseas be required to pay fees associated with application and assessment?

Should current fees paid by people seeking to adopt a child from overseas and the current range of activities and services subject to fees, apart from the \$2,000 assessment fee, be increased?

*Which of the following services should be subject to fees:*

- *processing expressions of interest;*
- *determining people's eligibility;*
- *assessing people's suitability;*
- *preparing files for forwarding overseas;*
- *providing information and education services;*
- *interviews concerning proposed placement of a child;*
- *finalising the placement and/or proposed placement of a child;*
- *further assessment where a couple's approval must updated because their file has been in the country for more than two years and is no longer current; and/or*
- *travel expenses of adoption contract workers undertaking assessment interviews?*

*If fees are to be charged, what safeguards should be implemented to ensure the focus remains on providing services that promote the best interests of children rather than applicants?*

### **Services provided during an interim order or period of supervision**

Under the requirements of the Hague Convention and specific agreements, the Department is required to undertake post-placement assessment after children subject to an interim order are placed with their prospective adoptive parents or when children are placed with adoptive parents during a period of supervision. The Department is also required to provide post-placement reports to the relevant overseas adoption authority.

Under the provisions of the *Immigration (Guardianship of Children) Act 1946* the Commonwealth Immigration Minister becomes the guardian of a child entering Australia on an adoption visa. The powers and functions of this guardianship are delegated to the relevant State or Territory adoption authority. In Queensland, the guardianship of children holding an adoption visa and entering Australia to reside in Queensland, is delegated to the Director-General of the Department of Families.

The Department has an apparent obligation (and responsibility) to provide post-placement services to children and their adoptive families after a child enters Queensland with his/her adoptive/prospective adoptive parents. This raises issues about the appropriateness of fees being levied for services provided to children and their adoptive/prospective adoptive parents after the child is placed in Queensland.

In many other States, adoptive/prospective adoptive parents are required to pay fees associated with services provided to children and their adoptive families after a child enters their respective State.

*Should post-placement assessment services provided during an interim order or period of supervision after a child is placed with his/her adoptive/prospective adoptive parents in Queensland be subject to fees?*

### **Calculating fees**

The Hague Convention does not provide for central authorities to levy fees for costs associated with operating intercountry adoption programs, other than fees directly related to the actual costs and expenses associated with a person's application and adoption of a child.

The fees currently prescribed in the *Adoption of Children Regulation 1999* are nominal. At present, fees are not calculated on the basis of the actual costs and expenses associated with facilitating an adoption. If it is considered appropriate to increase the level of fees and the range of services subject to fees, factors such as the actual costs and expenses of providing specific services and the appropriate levels of Government and applicant contribution to meet the cost of services needs to be examined.

*If it is appropriate for people seeking to adopt a child from overseas to pay fees for services provided:*

- *should the Government offset the cost of providing services to people seeking to adopt a child from overseas; or*
- *should people seeking to adopt a child from overseas meet the full cost of adopting a child from overseas?*

### **Other costs associated with the operation of the intercountry adoption program**

A number of individuals and stakeholders have suggested strategies to increase government funds available for progressing intercountry adoption applications without diverting funds from other priority areas. Suggestions have mostly included proposals to levy a fee payable by people seeking to adopt a child from overseas to enable the Department to increase its capacity to negotiate working arrangements with additional countries.

While fees may be levied for processing, assessment and the costs of arranging an adoption, the Hague Convention Special Commission Report noted that “donations by prospective adopters to bodies concerned in the adoption process must not be sought, offered or made.”<sup>95</sup> Such practices are in breach of Article 32 of the Hague Convention.

Levying fees for activities associated with liaising with overseas adoption authorities regarding the ongoing operation or expansion of the intercountry adoption program does not appear to be consistent with the intentions of the Hague Convention.

<sup>95</sup> Report and Conclusions of the Special Commission on the Practical Operation of the Hague Convention (28 November-1 December 2000), Hague Conference on Private International Law, Netherlands, 2001



## 13.3 Outcome evidence and data collection

### 13.3.1 Current arrangements

A range of statistical information about adoption services provided in Queensland is collated each year and reported in the annual *Adoptions Australia* report published by the Australian Institute of Health and Welfare. Information currently collated and reported includes:

- the number of adoption orders made in Queensland each year;
- the number of children from overseas adopted by Queensland families each year;
- the number of children subject to an interim order entering Queensland to reside with their adoptive families each year;
- the number of birth parents, adopted persons and other eligible persons who apply for and receive identifying information each year;
- the number of birth parents and adopted persons who lodge objections to contact or objections to contact and the release of identifying information (this relates to only adoption orders made prior to 1991) each year; and
- the number of birth parents and adopted persons who revoke objections to contact or objections to contact and the release of identifying information (for adoptions made before to 1991) each year.

This data provides basic information about the adoption orders made each year and people accessing identifying information each year. In accordance with the secrecy framework of the legislation, no data is collected about any aspect of adoption after an order has been made and prior to an adopted person turning 18.

After an adoption order is made, the Department has no authority to contact adoptive families to obtain information about the child and the family's progress, and adoptive families are under no obligation to provide information to the Department regarding the progress of the adoption.

The *Adoption of Children Act 1964* provides for the Chief Executive to authorise a person to access information about adoptions for the purpose of conducting a bona fide research program. However, there is no provision enabling the Chief Executive to request information from adoptive parents about the progress of an adoption throughout an adopted person's childhood.

When a child from overseas is placed with his/her adoptive parents in Queensland, the Department is required by overseas adoption authorities to provide regular reports about the child's progress, usually for 12 months. An Adoption Contract Worker or staff member from the Adoption Services Unit visits families after the child's placement to offer support, supervise the child's placement and prepare post-placement reports.

Some overseas adoption authorities require adoptive parents to provide post-placement reports to the adoption authority until the child turns 18. The majority of parents who have adopted children from countries with such requirements readily fulfil this obligation.

Generally, the placement of a child born in Queensland with his/her adoptive parents is not subject to an interim order or a period of supervision and no formal post-placement follow-up occurs. However, it is not unusual for a staff member of the Adoption Services Unit to offer support to adoptive parents immediately after the child's placement.

### 13.3.2 Outcome information

The Department often receives feedback about adoption experiences only when an adopted person turns 18 and applies for identifying information or when adoptive parents make informal contact with the Department to share news of the child's progress. Information is sometimes provided by the adoptive families and birth families of the 125 children under the age of 18 who currently exchange non-identifying correspondence via the Department. Another small number of adoptive parents contact the Department after an adoption order has been made to request information or support.

As a result, only anecdotal information about adoption outcomes experienced by children adopted in Queensland and their families is available.

The lack of reliable data about the success and disruption of adoptive placements in Queensland impedes the Department's capacity to consistently monitor the quality and adequacy of its services, and to learn from local experience. Similarly, little reliable data is available about the quality and effectiveness of services provided to parents who have consented to their child's adoption or to adoptive parents.

Evidence from research in other jurisdictions is compared with practice knowledge and experience in Queensland to inform adoption policy and practice and to facilitate ongoing improvement. However, the collection of information about the experiences of children and their adoptive families and the effectiveness of services provided to parents who have consented to their child's adoption would help develop more responsive services.

It is critical for the Department to increase its capacity to evaluate and review the effectiveness and outcomes of services provided to children adopted in Queensland or by Queensland families. The rate of disruption after a child is placed with prospective adoptive parents or after an adoption order is made is one very basic indicator of how the Queensland adoption program is meeting children's needs. Assessment of adoption outcomes as part of routine departmental practice could add immeasurably to the assessment process.<sup>96</sup>

There is also a need to increase the Department's capacity to evaluate and review the effectiveness of services provided to birth families and adoptive families. If more open adoption practices are introduced (see Chapter 4), this may present an opportunity to collect data about outcomes for children and increase the Department's capacity to evaluate and review services much more quickly.

*Should legislation provide that it is a function of the Department to research and evaluate adoption outcomes for children and families?*

*Should legislation enable the Department to request information from adoptive families about children's and families' progress?*

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<sup>96</sup> Barth and Berry, 1988