

POLICY

Title:	The wellbeing and best interests of the child in adoption
Policy No:	CPD626-2

Policy Statement:

The Department of Communities Child Safety and Disability Services, in administering the *Adoption Act 2009*, will ensure the wellbeing and best interests of an adopted child, both through childhood and the rest of his or her life, are paramount considerations in all adoption matters.

Principles:

- If the interests of a child to be adopted or the adopted person conflict with the interests of another person, the conflict must be resolved in favour of the adopted person's wellbeing and best interests.
- Consideration of a child's wellbeing and interests in adoption matters includes consideration of their future wellbeing and their interests as an adult.
- Every child requiring an adoptive placement will have individual needs to be considered in selecting suitable adoptive parents for that child.

Objectives:

The policy aims to ensure that:

- parents receive the information and support they need to make informed and voluntary decisions regarding whether or not adoption is the best long-term placement option for their child
- children's rights under international conventions, which Australia has ratified, are safeguarded
- a child requiring an adoptive placement will have his or her needs met and be cared for by adoptive parent/s best able to promote the child's development and openness and honesty about the child's adoption
- adoption processes recognise that it may be in an adopted child's interests to maintain connections with, have contact with and/or exchange information with, members of the child's birth family after an adoption order is made
- only persons with the capacity to meet a child's physical, mental, emotional, cultural and social needs and to provide a stable, safe and nurturing family and home life will be approved as adoptive parents
- information, support and counselling will be offered and/or provided to adopted persons and members of their birth and adoptive families where considered appropriate.

Scope:

The legal guardians of a child are responsible for determining and ensuring the wellbeing and best interests of the child in their care. That responsibility is retained until their consent for their child's adoption is given, or the need for the parents' consent dispensed with, under the *Adoption Act 2009*.

While the Chief Executive, Department of Communities, Child Safety and Disability Services becomes a child's guardian after a parent's consent is given, the parent has the right to revoke his or her consent to the child's adoption within 30 days after providing consent.

Where the Chief Executive, Department of Communities, Child Safety and Disability Services is the guardian of a child subject to a child protection order under the *Child Protection Act 1999*, the child can be adopted only with the consent of the child's parents, or where the need for parent/s' consent has been dispensed with under the *Adoption Act 2009*.

For a child being cared for under an adoption care agreement or for a child requiring adoption after all required consents are obtained or the need for consent dispensed with:

- decisions made and actions taken by Adoption and Specialist Support Services as authorised or required under the *Adoption Act 2009*, may discriminate against a person if the decision or action is necessary to comply with the obligation to promote the wellbeing and best interests of a child requiring adoption
- Adoption and Specialist Support Services will consider the views and preferences of the child's birth parents in determining a child's wellbeing and best interests and
- to the extent appropriate to the child's ability to understand, Adoption and Specialist Support Services will support the child to participate in adoption process and to form an express views in relation to the proposed adoption and will consider the child's views when making decisions.

For a person who is adopted:

- adoptive parents are an adopted child's legal parents and have full responsibility for the upbringing, making decisions to promote the child's wellbeing and for determining what is in the best interests of the adopted person during childhood
- identifying information about an adopted child will be given to a child's birth parent/s only if at least one of the child's adoptive parents consents to its release and if Adoption and Specialist Support Services is satisfied that the release of information would not be contrary to the wellbeing and best interests of the adopted child. This assessment will occur only after an adoptive parent has first consented to the release of information.

Roles and Responsibilities:

To satisfy obligations under the *Adoption Act 2009*, all persons involved in the administration of the Act will ensure that the wellbeing and best interest of the child, both through childhood and the rest of his or her life, are the paramount consideration in all actions and decisions undertaken in fulfilling their roles and responsibilities.

Authority:

Adoption Act 2009, sections 5, 6, 7, 8, 9, 257(2)(c),

Delegations:

All persons to whom the Chief Executive has delegated statutory powers in an instrument of delegation and authorisation or otherwise under the *Adoption Act 2009* will ensure that the wellbeing and best interest of the child, both through childhood and the rest of his or her life, are the paramount consideration when exercising a delegated power.

Records File No.: CHS-16721
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Date to be reviewed: 04 March 2016

Office: Communities, Child Safety and Disability Services
Help Contact: Child Protection Development

Links:

Adoption Practice Manual

Related Adoption policies:

Supporting a child to participate in adoption processes (624)

Rescinded policies:

2.11 CHS-16721 The wellbeing and best interests of the child in adoption

626-1 The wellbeing and best interest of the child in adoption

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