

Department of Families, Seniors, Disability Services and Child Safety

Jurisdictional Support Guide

This Jurisdictional Support Guide has been developed to assist Queenslanders in responding to allegations of Illicit or Illegal Practices in Intercountry Adoption. In particular, it provides information to individuals who suspect illicit or illegal practices in intercountry adoption. The information provided within is intended to complement the Commonwealth Department of Social Services National Protocol.

In Australia, the intercountry adoption application process is managed by Government departments in each State and Territory known as central authorities. In Queensland, the Department of Families, Seniors, Disability Services and Child Safety (DFSDSCS) is the central authority. It is responsible for reviewing concerns brought forward about alleged illicit or illegal intercountry adoption practices. The purpose of the review is to:

- determine whether the concerns are credible, or if there are irregularities or information that requires further action;
- identify possible pathways or referrals where further action is required; and
- notify (where appropriate) relevant Australian agencies.

In Australia, the intercountry adoption program is managed by each respective State and Territory Central Authority (STCA) who facilitates adoptions with partner countries. In Queensland, DFSDSCS is the central authority. It is responsible for reviewing concerns brought forward about alleged illicit or illegal intercountry adoption practices to determine the nature of the concern, identify supports, and notify appropriate agencies.

Australia's partner countries include countries who have ratified the 1993 Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (Hague Convention), as well as bilateral arrangements with two non-Hague countries who have not ratified the Hague Convention but uphold all Hague Convention standards. The Hague Convention entered into force in Australia in December 1998. Intercountry adoptions facilitated by Queensland Government departments prior to this date, may also be included in the scope of this Jurisdictional Support Guide.

In Queensland, Adoption and Permanent Care Services (APCS), within DFSDSCS, is the Government unit that administers and responds to illicit and illegal intercountry adoption past practices, and seeks to implement and enhance current practice in line with international standards. APCS provides services in accordance with the requirements of the Adoption Act 2009 (Adoption Act) and the Adoption Regulation 2020. The Adoption Act is administered under the guiding principle that the wellbeing and best interests of an adopted child, from childhood to adulthood, are paramount in all adoption matters.

Intercountry adoption practices in Queensland must comply with the Adoption Act and its principles. This is to ensure the best interests of the child are met. Privately arranged adoptions, and attempts to arrange a private adoption, are unlawful in Queensland and cannot be recognised under the provisions of the Adoption Act. Penalties apply to people who attempt to make such arrangements. The role of APCS is to review allegations in conjunction with the Department of Social Services, liaise with adoptees and their family, liaise with overseas central authorities, and facilitate information sharing, where possible.

Cooperation with DSS as the Australian Central Authority

DFSDSCS is committed to recording all reports of illicit and illegal practices, regardless of when the adoption occurred. The ability for the Australian Central Authority (ACA), the Department of Social Services, to investigate historical adoptions occurring prior to the Hague Convention may be impacted by numerous factors. DFSDSCS will record the reported information and determine if a family requires support. DFSDSCS takes its obligations under the Hague Convention seriously and adheres to frameworks for intercountry adoption and works only through overseas Government adoption authorities, or their accredited agencies, that have been investigated and established by the ACA.

The ACA and DFSDSCS acknowledge the inherent risks of intercountry adoption.

Protocol Steps

1. Notification of Concern

If you have reason to believe an intercountry adoption facilitated through an Australian STCA may have involved illicit or illegal practice, you should raise this, in the first instance with the relevant STCA

that may have been involved. The information set out below may help to determine who to notify and when.

Who should I notify if I believe that there was illicit or illegal practice in my, or my child's intercountry adoption?

If you have concerns about a potentially illegal / illicit adoption practice/s, you can report these concerns directly to DFSDSCS through a variety of communication methods. DFSDSCS acknowledges the information may be distressing, and aims to deal with such enquiries in a sensitive and timely manner. In Queensland, for all communication, the official point of contact is Adoption and Permanent Care Services.

BY EMAIL: ads@families.qld.gov.au

IN PERSON: Level 11, 127 Creek Street, Brisbane Qld 4000

VIA POSTAL MAIL: GPO Box 1789, Brisbane Qld 4001

BY PHONE: (07) 3097 5100 or free call on 1800 647 983 (Qld only)

BY FAX: (07) 3097 5101

If you choose to contact Adoption and Permanent Care Services via email, please include Notification of Potential Illicit Adoption in your subject line. Initial correspondence received via email or in writing will be responded to within two business days.

For non-English speaking people, or where English is not your language of preference, we can arrange an interpreter to assist either through written communication, or by phone. Contact details, including email and phone, for the Queensland central authority, are available on the Intercountry Adoption Australia website and on the State and Territory central authorities page.

Can I notify QLD anonymously?

Information can be provided anonymously through the following channels:

Should you wish to remain anonymous, we suggest submitting your concerns in writing or by telephoning APCS and stating you wish to remain anonymous.

BY EMAIL: ads@families.qld.gov.au

VIA POSTAL MAIL: GPO Box 1789, Brisbane Qld 4001

BY PHONE: (07) 3097 5100 or free call on 1800 647 983 (Qld only)

BY FAX: (07) 3097 5101

Note: Information provided anonymously **may** influence DFSDSCS's ability to engage in a full review and/or investigation.

How do I request access to my adoption records held by DFSDSCS?

To access your adoption records, please contact the Post Adoption Team at Adoption and Permanent Care Services. Further information about obtaining information, including the required forms, can be found on our website's "How to request adoption information" page.

When should I notify DFSDSCS about a potential illicit/illegal adoption?

If you have any concerns about the immediate safety of a child or young person, you should refer the matter to a Child Safety Service Centre or police. If you become aware that a child or young person may have been trafficked, consent obtained under duress or involved in an illegal adoption, you should raise this with DFSDSCS. Whether in the context of a child or young person making a disclosure, if an adopted parent makes comments, or, information becomes available from a child's birth parent or birth relatives.

Who do I contact if I am not sure which State or Territory facilitated, or is facilitating, the adoption?

As a first step, please contact the STCA you believe is most likely to have facilitated the adoption. If you are not sure, contact the STCA in the jurisdiction that you live in.

If you live in Queensland, we will be able to provide the following assistance:

- review our database for any information relating to the adoption; and
- if, through discussions, it is determined your information is from another jurisdiction, you will be referred to the other State or Territory jurisdiction and/or Australian Central Authority.

Is there anyone else I should notify?

If the adult adoptee or adoptive family provides consent for release of identifying information, this can be shared with the Australian Central Authority (ACA). If concerns are raised that are significant and involve a breach of law, the information will be reported to the Australian Federal Police (AFP) via the

Australian Centre to Counter Child Exploitation (ACCCE). The STCA may make a report of disclosure to the overseas country of origin.

Please refer to the Protocol for responding to Allegations of Illicit or Illegal Practices in Intercountry Adoption for further information on a national approach.

What information is required to review claims?

DFSDSCS requires all known information in relation to an adoption or adoption practices to be made available in order to make appropriate inquiries.

If the concerns of illicit or illegal practices are in relation to your own, or your child's adoption, the following information in relation to the adoption may be relevant to assist with the inquiry:

1. When did the adoption take place?
2. In what jurisdiction did the adoption take place?
3. What is the adoptee's country of origin?
4. Identifying information (where known) such as:
 - a. birth name and date of birth of adoptee;
 - b. name of birth parent/s;
 - c. name of foster parents or of orphanage prior to adoption; and
 - d. name of adoptive parents.
5. The details or information that leads you to suspect illicit or illegal adoption practices have taken place?
 - a. Including description, parties involved, reported information at the time of placement, adoption documents already available to you.
6. What are the current circumstances for adoptee, adoptive parents and birth parents?
7. What is your role within the adoption i.e. adoptee, adoptive parent, birth parent?
8. Any further information that may assist.

Under what confidentiality and privacy laws or policies will the information I provide be used?

DFSDSCS is guided by the confidentiality principles outlined in the Adoption Act 2009. DFSDSCS is also required to comply with the Information Privacy Act 2009 and Human Rights Act 2019 to ensure the material is only shared with those who have a requirement to view the information.

2. Notification of outcomes

The information set out below describes how you will be notified of the outcomes of the concern raised.

How will I be notified of the outcome?

DFSDSCS will maintain contact with you for the duration of the inquiry. You will be allocated an adoption officer as a contact person who you can liaise with. Your contact person will be responsible for updating you on any progress or significant developments. You can nominate your communication preference (by phone, email or in person).

Will information be provided on how the outcome was reached?

If the allegations or concerns raised with DFSDSCS are in relation to you or your child's adoption, DFSDSCS will explain the outcome reached.

If the allegations or concerns raised with DFSDSCS are in relation to an adoption other than your own (or your child's) then DFSDSCS will not be able to share this outcome with you.

What are my options if I don't agree with the outcome?

DFSDSCS acknowledges that not all outcomes may result in what you had hoped, and you may not necessarily agree with the outcome of our investigation. In the event that you are not satisfied with the outcome, you can raise this matter with the Australian Central Authority, the Department of Social Services, or raise a complaint with DFSDSCS. The adoption officer can provide you with details regarding making a complaint.

3. Supports

There are a range of services that an adoptee or adoptive family may wish to access. In doing so, it recognises that the needs of each adoptee and adoptive family will differ.

Supports are listed under the National Protocol for Responding to Allegations of Illicit or Illegal Practices in Intercountry Adoption.

Practical Assistance

DFSDSCS recognises the importance of providing support services to those impacted by intercountry adoption. The Benevolent Societies, Post Adoption Support Queensland (PASQ) and the Intercountry Adoptee and Family Support Service (ICAFSS) delivered by Relationships Australia (RA) are funded to ensure provision of practical supports and assistance. PASQ and RA are able to provide counselling support to adoptees, birth families and adoptive families and to supporting individuals with accessing information and linking with birth families and their country of origin.

Counselling or case management services (free services)

- **Post Adoption Support Queensland (PASQ)**

Post Adoption Support Queensland offers counselling across adoption-related issues for individuals, couples and families. Intermediary Services offer a third-party professional to help with search and reunion, including approaching birth relatives on your behalf and support around contact. Therapeutic groups and retreats increase wellbeing and connection to community, and access to information and resources.

PHONE: 1800 236 762

EMAIL: customercare@benevolent.org.au

WEB: <https://www.benevolent.org.au/services-and-programs/list-of-programs/post-adoption-support-qld>

- **Intercountry Adoptee and Family Support Service (ICAFSS)**

The Intercountry Adoptee and Family Support Service (ICAFSS) is a free service that provides counselling and case management services to help individuals and families manage the complexities and unique challenges that intercountry adoption may pose during a lifetime.

PHONE: (08) 8245 8100

EMAIL: icafss@rasa.org/au

WEB: www.rasa.org.au/services/couples-families/intercountry-adoptee-service/

Peer Support Services

- **International Adoptive Families of Queensland (IAFQ)**

IAFQ is a volunteer, non-profit support group for Queensland families involved in local and overseas adoptions.

WEB: <https://iafq.org.au/>

- **International Social Services (ISS) Australia**

International Social Services (ISS) Australia is a professional non-Government organisation founded in Geneva in 1924. Their network covers 140 countries. ISS Australia has a long history of providing family and adoption tracing and reunification services for those who have been separated by international borders. The International Post Adoption Tracing Service (IPATS) is a free service although ISS Australia has limited search services available in some countries so there may be additional search related costs involved.

PHONE: 1300 657 843

EMAIL: iss@iss.org.au

WEB: www.iss.org.au/our-services/international-post-adoption-tracing