

Information for birth parents who are thinking of searching for their adult adopted son or daughter in QLD

To search or not to search

Concerns about whether to search are common for parents whose son or daughter was placed for adoption. Many birth parents express worries that their son or daughter may not know they are adopted, will not want to have contact with them or that they will disrupt their son or daughter's life in contacting them. Other birth parents talk about feeling that they don't have a right to search because they gave consent to their son or daughter's adoption or feeling judged by society for wanting to search. Some birth parents have never told anyone about the birth of the son or daughter they placed for adoption. Everyone's experience of adoption is different as are people's reasons for wanting to obtain more information and tracing.

Many birth parents were told they would never be able to have contact with their son or daughter or to forget that they had a son or daughter. These messages that may have been given long ago have often had long lasting and serious consequences, and very often birth parents will have considered the possibility of tracing their son or daughter long before making any enquiries. This preoccupation is often not discussed for fear that it may arouse feelings of anxiety or judgement. At The Benevolent Society, we have been impressed by the sensitivity which birth parents show towards both their son or daughter and their adoptive parents.

Searching needs to be seen as a step-by-step process which, for many people, can be quite quick and, for some, long and frustrating. It is important that you decide your own pace and allow yourself time to absorb new information and assimilate new feelings.

How do I find out about my adopted son or daughter?

For adoptions that occurred in Queensland, the *Adoption Act 2009* provides all birth parents and adopted persons the right to obtain identifying information about each other once the adopted person is 18 years of age.

You can make an application to Adoption Services Queensland (ASQ), Department of Communities, about your son or daughter and their adoption once s/he is 18 years of age. ASQ will conduct a search of the adoption records it holds and review your eligibility to receive information it may have on file. ASQ will contact you to advise if a contact statement has been provided by your son or daughter. A contact statement can be lodged with ASQ by a person affected by adoption and expresses their wishes regarding contact with other parties to the adoption (see below information about contact statements).

ASQ will then prepare a letter containing information about your son or daughter's birth and adoption which will include identifying information (names) and non-identifying information (descriptive information such as appearance, occupation) from the information available in the adoption records. You will also be provided with a copy of prescribed documents which may include documents such as the consent form and the adoption order.

ASQ carefully reviews all records to ensure that information is accurate before sending it to you in a letter. ASQ will discuss sensitive issues with you and will provide you with support from an adoption officer or will refer you to Post Adoption Support Queensland (PASQ).

If your son or daughter is under 18 years old

Identifying information can be exchanged when an adopted child is under 18 years of age, however the consent of both the birth and adoptive parents must first be provided. ASQ will involve all people who were involved in the adoption in an assessment and may look at the development of an adoption plan which will look at a gradual progression for contact via correspondence before direct in-person contact. The assessment needs to also ensure that giving the information is not likely to be contrary to the child's wellbeing and best interests.

ASQ can be contacted at:

Telephone: 07 3224 7415
1800 647 983
Website: www.childsafety.qld.gov.au/adoption
Email: asq@childsafety.qld.gov.au
Mail: Adoption Services Queensland
Department of Communities
GPO Box 806
Brisbane, QLD 4001

Non-identifying information

You can also request to receive non-identifying information at the time when you apply for identifying information. Non-identifying information may include other information which was recorded at the time of your son or daughter's birth and adoption such as social and medical history. Sources of information may be the hospital in which your son or daughter was born or may have been directly provided by adoptive parents at the time of the adoption. It can often be helpful to request all of this social and medical information prior to searching and making contact with your son or daughter. It may provide you with some information that might assist you with your search.

Contact statements

A contact statement sets out a person's wishes regarding having contact with another party, or parties, to the same adoption that occurred in Queensland. For example, it may state that a person wishes for contact to happen only by telephone; or for in-person contact to happen only at a neutral place in the presence of a mediator; or the person's wish not to be contacted for any reason. There are important things to know about contact statements:

- Information and contact objections that were in place under the *Adoption of Children Act 1964*, prior to 1 February 2010 automatically became a contact statement expressing the person's request not to be contacted.
- These objections which are now contact statements expressing a wish for no contact do not have to be renewed.
- A contact statement remains in force until revoked by the person who lodged it, or until that person dies. However, a person can update, revoke or replace their contact statement at any time.
- A person can also use a contact statement to provide information about the person's reasons for not wanting to be contacted.

It is considered an offence to violate another person's wish not to be contacted

Under the *Adoption Act 2009*, if the adoption occurred prior to 1 June 1991, it is considered an offence for a person to contact another person knowing that they have lodged a contact statement saying they do not want to be contacted. The maximum penalty is \$10,000 or imprisonment for 2 years.

Specifically, it is an offence to:

- Contact, or attempt to arrange contact, with the person directly
- Procure someone else to contact or arrange contact with the person
- Publish information that identifies the person as a party to an adoption.

Releasing identifying information

ASQ will be able to release identifying information about a person who had an objection in place under the *Adoption of Children Act 1964* only after:

- An adoption officer has spoken to the person, in person or by telephone, to discuss the contact statement and to discuss the conditions of the contact statement.
- The person seeking information has signed a document that acknowledges he or she has been told the other party does not want to be contacted and it would be an offence to do so.

Court order restricting access

The Children's Court can make an order preventing the release of identifying information to another person, if doing so would pose an unacceptable risk of harm. For example, if a person who is seeking identifying information is known to be violent, and previous comments or actions suggest he or she is likely to harm the other person. In such cases, an application can be made to the court for an order to prevent the release of the identifying information by ASQ. Please contact ASQ for more information about this process. It is recommended that people seek independent legal advice for all court matters.

Searching options

The Registry of Births, Deaths and Marriages

Once you have received identifying information and details of your son or daughter from ASQ you will also receive authority to obtain a copy of your son or daughter's original and adoptive birth certificates from the QLD Registry of Births, Deaths and Marriages. If specifically requested, the registry will also search their records of marriages and deaths. There is a fee for searches conducted by and certificates provided by the Registry of Births, Deaths and Marriages. You can contact the Registry at:

Registry of Births, Deaths and Marriages
Department of Justice and Attorney-General
110 George Street, Brisbane QLD 4000
(Office hours: 8.30am-4.30pm Monday-Friday)

Postal address: PO Box 15188, City East QLD 4002
Telephone: 1300 366 430 (within Australia) and 61 7 3247 5811 (international)
Website: <http://www.justice.qld.gov.au/bdm.htm>
Email: bdm-mail@justice.qld.gov.au

Electoral Rolls

Once you are sure of any change of name for your son or daughter, you can search for their current address by way of an Australia-wide Electoral Roll search. You can only conduct an

Australia-wide search at one of the main Electoral offices. The list of these offices can be found on the Australian Electoral Commission's website:

http://www.aec.gov.au/About_Aec/Contact_the_AEC/

You can also search Australia-wide information at the Family History section of each state's State Library.

How do I make contact?

Having located your adopted son or daughter and checked the information you have, you may then wish to make contact with them. It is at this point that birth parents often feel the need to discuss with an experienced counsellor the various ways of making contact and the pros and cons of each. You may wish to read Information Sheet 11 *Writing to an Adopted Person* to assist in your decision making.

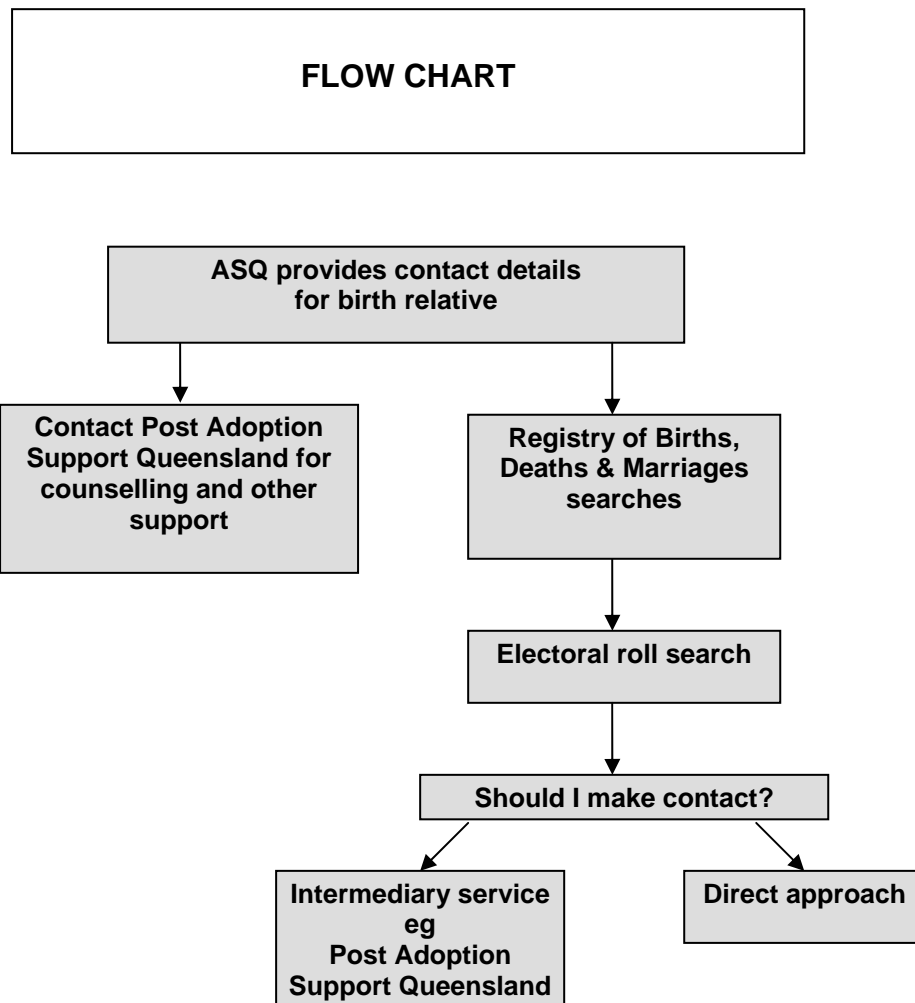
Should I use an intermediary?

PASQ offers an intermediary service which provides supportive counselling for both parties. Ask for further details of this if you are interested. You may, on the other hand, prefer to enlist the help of a trusted friend or relative or of a support group. Whatever method of approach you choose it is important that you give yourself time to consider your own hopes and expectations and that you allow the person you are approaching time to consider their response. You may find Information Sheet 32 *Intermediary Service* helpful in deciding how to go about making contact. The Benevolent Society's Post Adoption Resource Centre in NSW undertook a piece of research in 2000 entitled *At Least Now I Know* about the experiences of people who have made contact. You can borrow this from PARC's library or you can purchase it from our bookshop. A summary from the results of the research showed that those people who contacted their birth relative indirectly either through an intermediary or by writing a letter were generally more successful in their reunion experience. It is usually a good idea to take things slowly and consider the situation from all the different points of view.

Getting help

The experience of some birth parents is that they have not been able to discuss their feelings with anyone for fear that they may be misunderstood or their motives misconstrued. The opportunity to hear other people's experiences, to discuss things individually with a counsellor or in a group with other people who share a common interest can be very helpful and supportive. These are all services that PASQ offers. We are not involved in searching, but can give advice on steps to take and provide support at various stages along the way.

Below is a flow chart of the basic steps that need to be undertaken in searching for an adopted person.



Please phone us if you wish to talk further about any issues raised in this information sheet.

Post Adoption Support Queensland
PO Box 5347
West End QLD 4101
T 07 3170 4600 or 1300 914 819
F 07 3255 2953
E pasq@bensoc.org.au
www.bensoc.org.au