

POLICY

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| Title: | Supporting a child to participate in adoption processes |
| Policy No: | CPD624-2 |

Policy Statement:

The Department of Communities, Child Safety and Disability Services will keep a child informed of matters affecting him or her to the extent appropriate to the child's age and ability to understand. A child will be supported to participate in adoption processes by ensuring the child is provided information, support and counselling about the proposed adoption in a way the child is able to understand.

A child, who is capable of forming and expressing his or her own views, is entitled to have his or her views taken into account in decisions made relating to the child's proposed adoption.

As far as reasonably practicable, the Department of Communities, Child Safety, and Disability Services will provide information, support and counselling to an Aboriginal or Torres Strait Islander child in a way and in a place that is appropriate to Aboriginal tradition or Islander custom.

Principles:

- 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.
- In a way and to the extent appropriate, a child will be kept informed of matters affecting the child and supported to participate in matters relating to the proposed adoption to the fullest extent possible.
- The Department of Communities, Child Safety and Disability Services will consult with a child's parents or guardians or other relevant people to determine the extent to which the child is able to form and express views about the proposed adoption and how best to provide information, support and counselling to a child.

Objectives:

This policy aims to ensure children effectively participate in processes relating to their adoption by being provided information, support and counselling in a way they are able to understand, and where capable of forming views about their proposed adoption, ensuring their views are considered in decision making.

The policy aims to be responsive to the affect a child's age, maturity and ability to understand has on a child's information, support and counselling needs and ability to form and express views about adoption.

Scope:

This policy does not apply to a non-adult parent who has been assessed as having capacity to consent to the adoption of his or her child.

The policy does not seek to require children to be involved in counselling or decision making beyond what can be reasonably expected with regard to their age, maturity and ability to understand.

The policy does not interfere with, or diminish a child's parents' or legal guardians' responsibility for the child's upbringing or for making decisions regarding the child's wellbeing, or for determining the child's best interests.

Roles and Responsibilities:

Adoption and Specialist Support Services will:

- provide a child with information, counselling and access to a support person, if required, to enable the child to understand and participate to the fullest extent possible in adoption matters
- ensure consideration is given to any factors which could impact on a child's level of understanding or capacity to participate in processes relating to his or her proposed adoption
- conduct meetings and provide information to a child in ways appropriate to the child's age and ability to understand and in a place familiar to the child where ever possible
- provide information to a child at a level of complexity that is commensurate with the child's age, maturity and ability to understand and
- ensure a child is included in the development of, and is party to, an adoption care agreement and an adoption plan, where applicable and where the child is of an age and has the maturity to participate and it would be in the child's best interests to participate.

Adoption and Specialist Support Services is responsible, having regard to a child's age and ability to understand and to form and express views, for:

- assisting a child express and provide views about an application to dispense with the need for a parent's consent, for consideration by the Childrens Court
- facilitating a child's participation in an adoption care agreement and an adoption plan, where applicable
- assisting a child express and provide views about his or her proposed adoption for consideration by the Childrens Court where the child is subject to an application for an adoption order
- seeking and considering a child's views regarding the disclosure of identifying information about the child to the child's birth parent before deciding whether to give the information to the birth parent
- appointing, as ordered, by the Childrens Court, a qualified person (ie social worker, lawyer or other person who has the necessary expertise or experience to give relevant support and who is not an employee of the Department of Communities, Child Safety and Disability Services) to support a child subject to proceedings for an adoption order

- offering to assist a child express and provide views about the proposed discharge of his or her adoption, where there is an application for the discharge of the adoption order, for consideration by the Childrens Court.

Authority:

Adoption Act 2009, Sections 5, 6, 39(5), 50(4), 166(2), 179, 236, 255, 256 and 257.

Delegations:

Adoption and Specialist Support Services

Executive Director, Operations

Director, Child Safety Specialist Support

Manager, Adoption and Specialist Support Services

Team Leader, Adoption and Specialist Support Services

Senior Adoption Officer, Adoption and Specialist Support Services

Adoption Officer, Adoption and Specialist Support Services

Child Safety Services - sections 50(4) and 166(2) only

Regional Executive Director

Regional Director, Child Safety

Manager, Child Safety Service Centre

Senior Practitioner, Child Safety Service Centre

Team Leader, Child Safety Service Centre

Child Safety Officer, Child Safety Service Centre

Early Childhood Program Coordinator

Records File No.: CHS-16721
Date of approval: 04 March 2013
Date of operation: 12 March 2013
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:

The wellbeing and best interest of the child in adoption (626)

Rescinded policies:

2.9 CHS-16721 Supporting a child to participate in adoption processes

624-1 Supporting a child to participate in adoption processes

Margaret Allison

Director-General