

GUIDE TO DRAFTING AN ADOPTION PLAN

Adoption Act 2000 (NSW) Section 46 – 51 Adoption Regulations 2003 (NSW) Clause 29 & 30

What is an adoption plan?

An adoption plan is a plan agreed on by two or more of the parties to an adoption. The parties to an adoption are the child, the proposed adoptive parents, a consenting birth parent and the Secretary of the Department of Family and Community Services or the Principal Officer of an Accredited Adoption Service Provider. A birth parent who has not given consent to the child's adoption but who has agreed to the adoption plan is to be treated as a party to the adoption and adoption plan.

What can be included in the adoption plan?

The arrangements for contact between a child and his/her birth family including the exchange of information in relation to the child's medical background, development, important life events; and the ways in which a child will be assisted to develop a healthy and positive cultural identity and for links with that heritage to be fostered.

The adoption plan must contain:

- a) a statement of the means and nature by which contact between the child and the child's family and siblings is to be maintained, including people authorised to have contact with the child, purposes of the contact, frequency of contact and location of contact,
- b) details of the ways in which the child is to be assisted to develop a healthy and positive cultural identity and of ways in which links with the child's cultural heritage are to be fostered,
- c) a description of the type of information to be exchanged under the plan,
- d) a statement of the frequency of exchange of information,
- e) details of provision to be made for any financial and other assistance arrangements that the Secretary has agreed be included in the plan under section 201 (2) of the Act,
- f) a statement of the period for which the plan is to have effect.

As FACS is responsible for post adoption payments and support FACS is required to sign all adoption plans (with the exception of matters managed by an agency with delegated parental responsibility).

How is an adoption plan developed?

An adoption plan should be negotiated between the child, proposed adoptive parents and the birth family. Any expressed wishes by the child or birth parents must be taken into consideration. The adoption plan must suit the needs and best interests of the child. The adoption plan should be realistic and where possible have been trialled throughout the planning phase.

It is important to remember that an adoption plan should reflect the individual circumstances of the particular case and should be tailored towards those individual circumstances.

What happens to the adoption plan?

The adoption plan is filed with the child's adoption application at the Supreme Court. Pursuant to section 50 of the *Adoption Act 2000*, an adoption plan may be registered. An adoption plan that is registered has effect, on the making of the adoption order, as if it were part of the order, thus being enforceable. Registering an adoption plan may be done in a range of circumstances to ensure the child's best interests are preserved.

When an adoption plan is to be registered, the provisions of the plan must be sufficiently clear and specific so as to make it capable of enforcement.

How is an adoption plan reviewed?

The adoption plan itself, depending upon how it is drafted, may have inherent flexibility to cater for different scenarios which may arise over time. The Court has the power to review an adoption plan, if a party to the plan applies to the Court asking for a review.

Please use the following format/guide when drafting an adoption plan.

ADOPTION PLAN

This plan is in relation to contact arrangements between:

- //Child's Full Legal Name// (“//First Name//”), //date of birth//;
- //First Name// and //First Name//, proposed adoptive parents;
- //Full Legal Name// (“//First Name//”), mother;
- //Full Legal Name// (“//First Name//”), father or putative father;
- //Full Legal Name// (“//First Name//”), sibling or maternal/paternal half sibling; and
- //Full Legal Name// (“//First Name//”), maternal/paternal grandparents/aunt/uncle.

NB: where the birth mother and father are no longer in a relationship or residing together it is recommended to have separate plans for maternal and paternal family members.

The parties to the adoption and this adoption plan are the subject **child(ren)**, proposed adoptive parent(s), a birth parent who has given consent to the child's adoption, and the Secretary, NSW Department of Family and Community Services (“FACS”). A birth parent who has not given consent to the child's adoption but who has agreed to the adoption plan is to be treated as a party to the adoption and adoption plan.

It is agreed by the signatories to this plan, that this adoption plan is not to be deemed as giving consent for the adoption of //child's first name//.

Where matter is agreed to be registered include this statement:

The parties, <in consultation with the birth parent/s>, have agreed to seek registration of this adoption plan.

PURPOSE OF THE PLAN:

It is acknowledged that these mutually agreed arrangements will support //child's first name// with his/her development and assist him/her to learn about and build on his/her knowledge of his/her birth family and his/her sense of identity. Birth family contact is an opportunity for the building of relationships between //child's first name// and his/her birth family.

It is envisaged that the current arrangements will continue until //child's first name// reaches the age of //insert// years of age.

THE ARRANGEMENTS FOR CONTACT:

NB: a complete history of birth family contact is provided within the child's adoption court application therefore a summary of the history is not required in this plan.

It is recognised that the nature of contact should be structured in such a way that will best meet //child's first name//'s needs, taking into consideration at all times, his/her age, stage of development and any expressed wishes.

(a) Face-to-face contact:

Outline under each of the relevant sub-headings below how face-to-face contact between the child and each relevant birth family member will be maintained. Detail the: frequency; location; duration; who will attend; how contact will be arranged; and any supervision requirements. Contact can be

as flexible or as prescriptive as is required in the particular circumstances. If a plan is to be registered, the provisions of the plan need to be clear and specific.

Where there are no plans for contact consider the following statement:

//Name// has currently indicated that they do not wish for face-to-face contact to occur between them and //Name//. Should they request contact at any time in the future, then face to face contact will occur as agreed between the child, the proposed adoptive parents, and //Name//.

(i) Birth Parents/Mother/Father

Where child's birth mother or father has not had face-to-face contact for a significant period considering the following statement:

The proposed adoptive parents are supportive of contact occurring between //child's first name// and his/her mother/father. Contact arrangements will take into account //child's first name//'s age, development and expressed wishes. The mother/father may be required to meet the proposed adoptive parents in the first instance prior to any form of contact with //child's first name//. Contact will occur as agreed between the child, proposed adoptive parents and the mother/father.

Where child's paternity is unknown include the following statement:

The proposed adoptive parents are supportive of contact occurring between //child's first name// and his/her father should paternity be confirmed. Should a putative father come forward in the future he may be required to undergo DNA testing prior to any contact occurring. Contact arrangements will take into account //child's first name//'s age, development and expressed wishes. The father may be required to meet the proposed adoptive parents in the first instance prior to any form of contact with //child's first name//. The father may need to provide some basic information about himself including photographs in which he can be introduced to the child. Contact will occur as agreed between the child, proposed adoptive parents and the father.

Where matter is agreed to be or likely to be registered include the following statement:

Failing these arrangements, contact is to occur on the //number// //day of week// of //months// at //time// for //number// hour/s at //insert location//.

For example: Failing these arrangements, contact is to occur on the third Saturday of March, June, September and December at 11.00am for 1 hour at Centennial Park, Sydney.

(ii) Siblings

Include the following statement in all plans & detail how contact with the siblings will occur e.g. will the siblings attend contact with the relevant parent, other siblings etc:

Should //child's first name// have any siblings born following the making of an adoption order the proposed adoptive parents agree to support and facilitate contact between them.

(iii) Significant Others

(b) Telephone and electronic communication:

Outline under each of the relevant sub-headings below how telephone and/or electronic communication between the child and each relevant birth family member will occur. Detail the: frequency and type of contact e.g. telephone, email, Facebook, Skype etc. Contact can be as flexible or prescriptive as is required in the particular circumstances.

Where the child is too young for such contact include the following statement:

Due to //child's first name//'s age telephone contact is not an appropriate method of contact at this time. It is recommended that telephone contact between //child's first name// and //Name//, occur

in the future when //child's first name// is older and is able to communicate more clearly. This should occur after negotiations between the proposed adoptive parents and //Name//. Contact between //child's first name// and //Name// will be facilitated by the proposed adoptive parents.

- (i) Birth Parents/Mother/Father
- (ii) Siblings
- (iii) Significant Others

(c) Information exchange including photographs/gifts etc:

Outline under each of the relevant sub-headings below how information will be exchanged between the child and each relevant birth family member. Detail what each participant is agreeing to send, receive and/or reply to including the type of information being exchanged and frequency.

Include the following statement where relevant:

The proposed adoptive parents agree to contact the birth mother and/or birth father directly in the event of //child's first name// sustaining a serious illness, injury or in the event of death.

- (i) Birth Parents/Mother/Father
- (ii) Siblings
- (iii) Significant Others

IDENTITY AND CULTURAL HERITAGE:

Detail the cultural background of the child, proposed adoptive parents and each birth parent. Outline the ways in which the child will be assisted to develop a healthy and positive cultural identity and how links with that heritage are to be fostered - this is not limited to, but may include: contact with significant family members; education; cultural activities; food; language; music; art; dress style; totems or cultural practices specific to the child's family. Include details of what actions will be undertaken and by whom.

For Aboriginal or Torres Strait Islander children, these provisions should be made after consultation with a local, community-based and relevant Aboriginal or Torres Strait Islander organisation.

RELIGIOUS UPBRINGING: (where applicable)

Detail the religious background of the child, proposed adoptive parents and each birth parent. Outline the ways in which the child will be assisted to develop a healthy and positive religious identity. Include details of what actions will be undertaken and by whom.

FINANCIAL ASSISTANCE:

Details the type of allowance/payment the proposed adoptive parents are eligible to receive on the making of an adoption order. For grandfathered cases only - detail any financial assistance that the proposed adoptive parents require on the making of an adoption order (any financial support is to be pre-approved by way of a financial submission by the relevant FACS delegate).

CONTACT DETAILS:

//Proposed Adoptive Parent(s)//	//Birth Mother/Father or Sig Other//
//Postal Address//	//Postal Address//
//Email Address//	//Email Address//

//Telephone or Mobile//

//Telephone or Mobile//

CONCLUDING STATEMENTS:

If the people whom this plan relates to are in direct contact with each other, they need to advise each other of changes in their addresses and contact numbers as soon as possible.

It is the responsibility of each person whom this plan relates to, to advise FACS' Adoption Information Unit of changes in their address and contact numbers as soon as possible.

Should there be any difficulties that arise in carrying out the adoption plan please contact FACS' Adoption Information Unit.

The adoption plan can be reviewed by the Court at the request of any of the parties to the plan.

SIGNATURES TO THE ADOPTION PLAN IN RELATION TO CHILD'S FULL NAME:

NB: Remove any names of people who will not be signing the final adoption plan. Signatures must occur on a page with text.

Full Name of Child

Date

Birth Mother

Date

Birth Father

Date

Proposed Adoptive Parent

Date

Proposed Adoptive Parent

Date

Name

Date

Manager Casework
Insert CSC Name Community Services Centre
Delegate of the Secretary
Department of Family & Community Services