## STATEMENT OF PERSON QUALIFIED TO WITNESS A CONSENT (IMMEDIATELY BEFORE CONSENT IS SIGNED)

(Where the child is 12 or more years of age)

### ADOPTION ACT 2000 (NSW) Section 62(2), 184 & 185 ADOPTION REGULATION 2015 (NSW) Clause 81 & 82

	first	middle name/s (full legal name of person)	last
of _			
dec	lare that:	(full address - number, street, suburb, state)	
(	not the caseworker for the	- Delegate of the Secretary - Principal Officer Ac proposed adoptive parents) - Independent Law to the witness categories listed in Clause 81(1) of	yer - Registered Counsellor. It
		fficer of the Department, or an employee he caseworker for the proposed adoptive p	
3. I	confirm I am not the re	gistered counsellor of the person signing t	his instrument.
	certify I have sighted th amed below who is givi	ne following document(s) to confirm the identified in graphs and in the identified i	entity of the person
	confirm I am not aware elow to give consent.	of any mental, emotional or physical unfit	ness of the person named
6. I	certify I am satisfied the	at:	
	first	middle name/s (full name of person giving consent)	last
		with a copy of the instrument of consent 14 days before the consent was signed;	
		nple opportunity to read the instrument of and understands the effect of signing the	
		ed within the prescribed period (not more ring consent) and understands the effects	
		sent free from any threat, inducement or in of the <i>Adoption Act 2000</i> .	nfluence of the kind as set
		l (strike <u>out</u> and <u>initial</u> paragraphs (or pa person giving consent):	rts of a paragraph) below,
- -	·	ving consent is under 18 years of ag (a counsellor or other ap- tating that the above named person is cap	ppropriate expert), dated
• (		Aboriginal Counselling" datedson has been given adoption counsell	

<ul> <li>a "Statement – Refuthe above named properties of the confirming that he customs and culture and/or had read to the customs."</li> </ul>	person has be she has been e (at least 7 days	en offered adopti provided with wri s before signing co	on counselling l tten information onsent) and that h	but refused it; on Aboriginal
<ul> <li>(where the child is Torres         <ul> <li>a "Statement of Torre                 the above named prinstrument of conser</li> <li>A "Statement – Ref                stating that the abov                 it; confirming that he                  Islander customs and                 read and/or had read</li> </ul> </li> </ul>	es Strait Islander erson has been ht; <u>OR</u> use Torres Stra e named person e/she has been d culture (at leas	a given adoption of ait Islander Couns has been offered provided with writ t 7 days before sign	ounselling prior elling" dated adoption counsell ten information ching consent) and	to signing the ing but refused on Torres Strait
Signature of witness:				
Dated this	day of	month	,year	

### WHO CAN WITNESS AN ADOPTION CONSENT

The following persons are prescribed in Clause 81 of the Adoption Regulation 2015 (NSW) to witness a consent to adoption:

- (a) if the instrument is signed in New South Wales:
  - (i) the Secretary

Delegates of the Secretary include Family and Community Services Caseworker, Casework Specialist, Manager Casework or Manager Client Services.

NB: Clerical/Administrative staff of Family and Community Services are not delegated to witness a consent.

(ii) an independent lawyer

Consent to adoption is not to be witnessed by the lawyer who acts for the applicant(s) for an adoption order in respect of the child who is the subject of the consent, or by any partner or employee of the lawyer.

- (iii) a principal officer of an accredited adoption service provider.
- (iv) a registered counsellor (under Clause 81 Adoption Regulation 2015)(not being the counsellor of any person signing the instrument or a person who is not independent of such a counsellor)

Consent to adoption is not to be witnessed by an Officer of the NSW Department of Family & Community Services or the employee of an accredited adoption service provider or designated agency who is the caseworker for a person adopting the child...

- (b) if the instrument is signed in another State or in a Territory: a person authorised by the law of that State or Territory is to witness a consent to the adoption of a child.
- (c) if the instrument is signed outside of Australia:
  - (i) an Australian Consular officer as defined in section 26 of the Oaths Act 1900
  - (ii) a judge of a court or magistrate of that place
  - (iii) a person authorised by the law of that place to attest to a consent to the adoption of a child.

#### **OFFENCES**

It is an offence under Section 177 of the *Adoption Act 2000* for any person to give or receive payment or reward in relation to the giving or signing of consent to adoption.

It is an offence under Section 184 of the Adoption Act 2000 to use any force or threat to influence a person or child to sign or not to sign an instrument of consent.

It is an offence under Section 185 of the *Adoption Act 2000* for a person to witness a consent without being satisfied that the person signing the consent is a parent or guardian of the child, that the person is signing free from any threat, inducement or influence, that the person understands the effect of the consent and that the consent bears the date on which it is signed by the person giving the consent.

## SOLE CONSENT TO HIS OR HER ADOPTION BY A CHILD WHO HAS ATTAINED THE AGE OF TWELVE YEARS

### ADOPTION ACT 2000 (NSW) Section 54(2) & 55 ADOPTION REGULATION 2015 (NSW) Clause 80

first	middle name/s	last	
	(full legal name of person giving consent)		
of			
	full address - number, street, suburb, state)		
horn on the	day of		
number	_ day of month	,	year
at	in the State of		
(suburb/city)	in the State of		
	alian of an adoution and a in page 25 of majin f		
give consent to the m	aking of an adoption order in respect of me in fa	avour or:	
			and
first	middle name/s	last	
	(full legal name of proposed adoptive parent)		
first	middle name/s	last	
	(full legal name of proposed adoptive parent)		
and have cared for me/l	have lived with and/or have had a relationship with f	or	years
of			
	(full address – number, street, suburb, state)		
who is/are my			
(state relationship	with proposed adoptive parent eg. authorised carer, st	ep parent, a	unt, uncle
	mandatory written information on		(being
at least 14 days before t	his day).		
	ursuant to section 63(1) of the <i>Adoption Act 2000</i> on days and no less than 72 hours before this day).		
	adoption I have been informed and understand:		

On the making of an adoption order, the proposed adoptive parents will become my legal parent/s and for all legal purposes I will be considered to be her/his/their child.

On the making of an adoption order, an amended birth certificate will be issued by the Registry of Births, Deaths and Marriages which will record my name/s as the one/s I have requested below, if so ordered by the Court, and will not record any details of my birth parents or birth siblings.

I have the right to revoke (withdraw) my consent for adoption at any time before the adoption order is made. I can do this by giving notice in writing to the Registrar of the Equity Division, Supreme Court, Queens Square, Sydney, NSW.

I understand that if the Court is not satisfied that my best interests will be promoted by adoption the Court has the power to make alternate orders in relation to the parental responsibility for me, for example a parenting order under the Family Law Act or an order declaring me to be under the parental responsibility of the Minister.

Th	e rights of an adopte	d person under the	Adoption A	Act 2000.		
l re	equest that on the ma	king of an Adoption	Order my	name will be:		
	first	m egal name to be reco	iddle name		o cortificato)	last
	(Iuii i	egai name to be reco	raea on the	amended birti	r certificate)	
	<u>rike out</u> and <u>initial</u> the rson giving consent:		rts of a pa	ragraph) belo	w, that are <u>l</u>	not relevant to the
•	I hereby request and	d authorise:				
	> the Secretary of	the NSW Departme	nt of Fami	y & Communi	ty Services;	; OR
	> the Principal Of	ficer of				
		(N	ame of Acc	redited Adoptic	on Service Pr	ovider)
	to make arrangeme	nts for my adoption	١.			
•	I am under 18 yearegarding my capac					ppropriate exper
•	I am Aboriginal. In	accordance with se	ection 64 o	f the <i>Adoptio</i>	n Act 2000,	
	I have been given a	doption counsellin	g prior to s	igning the ins	strument of	consent; OR
	I have been offered information on Abo (being at least 7 da understood that wr	riginal customs and ys before signing t	d culture o	n	-	
•	I am Torres Strait Is	lander. In accordan	ce with se	ction 65 of the	Adoption A	Act 2000,
	I have been given a	doption counselling	prior to si	gning the ins	trument of c	consent; OR
	I have been offered adoption counselling but refused it. I have been provided with writter					
	information on Torr (being at least 7 da understood that wr	ys before signing t			nd and/or ha	ad read to me and
	gnature of person ving consent:					_
Da	ted this	day	of		,	
		number		month	· <u> </u>	year
Sig	gnature of Witness:					

(Insert one of the following) - Delegate of the Secretary - Principal Officer Accredited Adoption Service (and not the caseworker for the proposed adoptive parents) - Independent Lawyer - Registered Counsellor. If signed outside of NSW refer to the witness categories listed in Clause 81(1) of Adoption Regulation2015.

**Qualification:** 

# STATEMENT OF PERSON QUALIFIED TO WITNESS CONSENT AT TIME CONSENT IS SIGNED (IMMEDIATELY AFTER CONSENT IS SIGNED)

(Where the child is 12 or more years of age)

### ADOPTION ACT 2000 (NSW) Section 62 ADOPTION REGULATION 2015 (NSW) Clause 81 & 85

On the	day of			, I witnessed		
numb	er	month	year	_		
first	(full legal n	middle name/s ame of person giving c		st		
give consent to th	eir own adoption.					
I confirm that the giving consent.	instrument of conse	nt bears the date on	which it was signed	l by the persor		
Signature of witne	ess:					
Dated this			,			
	number	month	yea	ar		