

ADOPTION INFORMATION SERVICES STANDARDS

20th APRIL, 1994

Please note: In this electronic file, reference to Community Services Victoria (CSV) and Health and Community Services (H&CS) have been annotated with the current term Department of Human Services (DHS) – June 2001

INTRODUCTION

The purpose of this document is to develop a shared Code of Practice Standards for Adoption Information Services in Victoria, which have been funded by The State Government.

Experience from Australia and overseas has contributed to the development of the document.

Standards reflect current legislation and should be regularly reviewed to incorporate new knowledge and practice skills to best meet the needs of those affected by adoption.

In this document the term program includes the services offered by all the authorised Victorian Adoption Information Services agencies.

Uses of the Standards:

- To provide guidelines to assist in the operation of quality services. To facilitate internal review and evaluation.
- To facilitate in-service training and staff education
- To provide information about Adoption Information Services to the community and others.

THE A.I.S. PROGRAM

The Adoption Information Services of Department of Human Services (DHS – formerly Health & Community Services) Victoria and the authorised non-Government agencies were established as a result of Part VI of The *Adoption Act (Victoria)* 1984.

Key Responsibilities:

- Registration
- Mandatory Interview
- Release of Records
- Searches
- Making Contact
- Intermediary Services

Historical Development

Victoria was the first State in Australia to pass legislation for access to adoption information. Implementation of the legislation commenced in 1985 amidst considerable anxiety about the possible effects on people. For example, possible disruption of families when adopted persons contacted birth mothers who had not informed members of their current family about the existence of the adopted person. There was also anxiety that adoptive relationships would be weakened.

The program in Victoria was anxious to avoid negative outcomes for people and developed conservative service delivery programs. Until January 1989 agencies routinely undertook searches for birth relatives on behalf of adopted persons.

The concern to gain the most positive outcomes for those seeking reunion meant extensive involvement by the adoption information agencies on behalf of adopted persons, who constituted approximately two-thirds of applicants.

This approach contributed to delays in providing information and in turn to consumer dissatisfaction concerning the delays.

The number of registrations in the first years of the program far exceeded expectations. This meant that thousands of individuals had direct involvement with the service and there was also considerable publicity about the program.

This contributed to increased community awareness of the existence and implications of the legislation and to more changed community attitudes and more confidence amongst the service providers.

Research and practice experience indicated that adopted persons could conduct their own searches and benefit from doing so. The search process can be an opportunity for personal growth for the adopted person.

These factors contributed to the development of a new approach, which aimed to maximise the autonomy of adult adopted persons from the adoption information agencies.

The program for adult adopted persons within DHS (formerly C.S.V.) changed in January 1989 and focused on provision of information, with supports for those conducting their own search and outreach.

Counselling and intermediary services are still available to adult adopted persons when necessary.

Current legislation limits the possibilities for such changes for birth parents or relatives because they are not entitled to identifying information.

Changed Approach

The establishment of the Victorian Adoption Network for Information and Self Help (V.A.N.I.S.H.), an umbrella organisation comprising adopted people, birth parents and adoptive parents. Funds were directed to V.A.N.I.S.H, which undertook to provide services to all applicants, partly by employed staff and partly through a volunteer network.

V.A.N.I.S.H. established a telephone search advice service incorporating a (008) number. This is available to adopted persons conducting their own searches and offers practical search information, support, and advice about making contacts.

Publication by Department of Human Services (DHS - formerly Community Services Victoria) of the *Self-Search Guide*, which provides resource information on searching and contact. This is given to all adopted persons at the time of the mandatory interview. The Guide is revised and updated from time to time.

New arrangements with the Registry of Births, Deaths and Marriages in Victoria. Adult adopted persons, after attending their Section 87 interview, could have direct access to certificates necessary in their search for birth parents and relatives, if those certificates were held in Victoria. Additional positions were created at the Registry to undertake the increased work.

A community counsellor program supplemented the agency based adoption information services for approximately 18 months.

Two new interview methods (Telephone and Group, the latter having had been used successfully in some of the non-government agencies) were introduced. Telephone interviews were made available to applicants living interstate, overseas or in other isolated circumstances. Other applicants had a choice of individual or group interview.

The encouragement and development of a network of metropolitan and regional support groups commenced. A half-time SOC 3 position was created within C.S. V. to liaise with and support these groups. These groups offer support to anyone in the community with issues associated with adoption. They are available to applicants undertaking their own searches, to people considering registration and to people who have been contacted by or on behalf of applicants.

The new procedures ensured information was provided to applicants without undue delay. They maximised the autonomy of applicants so far as was possible under the legislation. They also offered a range of support services to facilitate searching, sensitive contact, intermediary functions, the reunion process and post-reunion experiences.

Changes to Legislation

There were minor amendments to Part VI of the Adoption Act 1984 in 1987.

- At the end of 1989, amendments to the Act, including amendments to Part VI, were prepared for consideration by parliament. These proposed access to identifying information for birth parents. They were severely criticised and rejected by the community
 - The need for publicity and community education regarding the proposals was noted and the government withdrew these amendments.
 - The parliament did pass, on 5.12.89, amendments, which gave the children of adopted persons (provided the adopted person had died or was informed of the application) similar rights to those of the adopted person.
- * What is "Outreach"? - A letter (sometimes a phone call) advising of an enquiry from an Applicant.

Contact Procedures

- Initially the Standards Committee had agreed that adoptive parents should be contacted and asked to inform the adopted person of the approach by the birth parent or relative. Although this was not written into the Standards, adoptive parents were generally approached first until July 1987, regardless of the age of the adopted person.
- It was thought that:
 - If the adopted person was not aware of their adoptive status, this gave the adoptive parents the opportunity to tell.
 - It would encourage discussion of the approach within the family and was viewed as supportive of family unity.
 - The adoptive parents had a right to be informed because they were part of the original adoption contract.
 - The counsellor could check whether the timing of the approach to the adopted person was appropriate.
- During the first two years of operation of the A.I.S. adopted persons expressed regret and sometimes anger that they had not been approached directly.
- After considerable debate and discussion amongst practitioners from all agencies and self-help groups a change in practice was agreed. Outreach would be directly to *adopted adult persons unless the adopted person could not be located.*

- Problems for adopted people:
 - The adopted person had to deal simultaneously with both their own emotional responses and those of their parents. The adopted person found it difficult to achieve the time and space to come to their own decision
 - Adult adopted persons wanted their rights to privacy to be respected. This included treating them as adults in control of their lives
 - Adult adopted persons wanted the right to choose whether and when to involve their adoptive parents in the process
- Other factors contributing to change in practice:
 - Workers were spending a great deal of time counselling adoptive parents for example,
 - dealing with anger exploring fears
 - encouraging them to tell adopted persons of the application
 - providing support for adoptive parents throughout the process.
 - Where adoptive parents were unwilling to inform adopted persons of the application, contacting the adopted person direct was even more difficult, particularly if the adopted person was living at home or whose name was not recorded on the Electoral Roll.
 - The approach via the adoptive parents had negative implications for the capacity of the A.I.S. agencies to work effectively with ALL parties to the adoption, in a *reasonable* time

PHILOSOPHY OF THE PROGRAM

Adoption has evolved as a child welfare service and the Adoption Information Service program operates on principles and values in line with those underpinning other Victorian adoption services.

Services provided for and on behalf of children must operate in ways, which promote their welfare and best interests, and give full protection to their human rights. Section 9 of the *Victorian Adoption Act 1984* provides that:

In the administration of this Act, the welfare and interests of the child concerned shall be regarded as the paramount consideration.

The central parties to any adoption are the birth and adoptive parents and the adopted person.

However four families, (the families of each of the four parents) are affected by each adoption. The spouse and children of the adopted person are also affected.

Adoption is not a single event, but a life long experience for all the people involved.

The parties to adoptions have continuing needs for and rights to information about themselves and one another. This principle was endorsed and formalised in Part VI of the *Adoption Act Victoria 1984*.

For many people, adoption has involved loss, disempowerment and stigma. Those affected may experience a wide range of feelings including anger and grief.

Applicants should be offered choices and encouraged to make decisions and act for themselves.

One of the losses involved in traditional adoption was the loss of family information, which other members of the community can take for granted. There has been a re-evaluation of the role of secrecy in adoption. Where it was once regarded as a protection for all parties, secrecy is no longer accepted as a necessary part of adoption. It must be justified by the circumstances, reflecting the philosophy that open communication is likely to enhance adoptive family relationships.

Knowledge and understanding of the circumstances that led to the adoption, and of subsequent developments is important for many people.

An understanding of the historical and sociological context in which relinquishment occurred, and of changing agency practices over time, help people come to terms with the events. Counsellors therefore need specialised knowledge of adoption, both in an historic and contemporary context.

Applicants seeking information about family members from whom they have been separated by adoption do so as part of a normal process of development or a healthy curiosity about significant matters in their lives.

Applicants to the Victorian Adoption Information Services have needs related to their adoption experiences. These needs are seen as normal. Persons seeking information and contact commonly express respect for the needs of others.

The mandatory 'interview' may be better understood as an information providing process.

Adoption Information Services provide counselling and mediation services in the context of provision of information. The mandatory interview ensures all applicants have access to these services.

Individual clients will vary in the extent to which they choose to receive counselling services beyond the mandatory interview. The capacity to provide this counselling is an essential component of the service.

Research and practice experience indicate that a very high percentage of applicants are pleased to have obtained information about their adoption experience. The receipt of information, the search and reunion process, and experiences after reunion raise complex and sensitive issues for people and powerful emotions may be involved. People may need to address issues that relate to the past, issues about the information seeking and search process, and issues of the interactions of life cycle stages of all parties.

A.I.S. PROCEDURES

Eligibility for:

1. Registration *(Section 103)*

- | | |
|---------------------------------|--------------------|
| - Adult Adopted Persons | - Birth Parents |
| - Adopted People Under 18 Years | - Adoptive Parents |
| - Children of Adopted People | - Birth Relatives |

2. Mandatory Interview *(Section 87)*

3. Release of Adoption Records *(Section 91)*

4. Searches

5. Making Contact

6. Intermediary Services

SERVICE TO APPLICANTS

ADOPTED PERSONS

- 18
CHILD OF ADOPTEE

ADOPTIVE PARENTS

BIRTH PARENTS

BIRTH RELATIVES

ORGANISATION/MANAGEMENT

PROGRAM GOALS

- To provide information about the rights and entitlements available under Part VI of the Adoption Act 1984.
- To be sensitive to the needs of people who have been affected by adoption.
- To provide appropriate services which are accessible geographically and financially.

PROGRAM OBJECTIVES

- "There shall be an Adoption Information Service established within the Department of Community Welfare Services and within each approved agency which shall -
 - advise persons with respect to the provisions of this Part:
 - make arrangements for the provision of counselling in relation to applications under this Part:
 - receive applications for information under this Part: and
 - subject to and in accordance with this Part, facilitate the provision of information to a person whose name is entered in the Adoption Information Register maintained under Section 103: and
 - assist a person whose name is entered in that register to obtain information about an adopted person who had been adopted, whether before or after the commencement of this section, in a place outside Victoria and whose birth was not registered in Victoria, or about an adoptive parent or a natural parent of such an adopted person, being information of a kind that, if the adopted person had been adopted in Victoria, the person may have been able to obtain under Division 2." (S. 102)
- To provide a service in which all consumers, including applicants who were adopted as "NON CITIZENS" subject to Intercountry adoption procedures, are treated in a non- discriminatory manner.
- To maintain confidentiality.
- To be responsive to developments in the community and changing client demands for service-
- To maintain co-operative links for the benefit of applicants with all sectors of the adoption community in Victoria.
- To provide information to applicants in accordance with the Act in an efficient manner.
- To provide counselling and support to applicants and their families at their request, in relation to an application.
- To maintain files and file records which enable effective delivery of services and which provide documentation of activity, facilitate continuity of service, quality control collection of statistical data, supervisory review, and agency defence in the case of complaints or legal action.
- To fulfil requests for information from agency or ward files as requested. To enter all new registrations on the Central Register as soon as possible.

REGISTRATION

DHS (formerly C.S.V.) and each approved agency maintain a Register on which eligible parties may request, in writing, that their names and addresses and wishes in relation to obtaining or providing information be recorded.

People who register have the right to have their entry on the register altered or amended on request.

The approved agencies forward registration details to DHS (formerly C.S.V.) to enable a comprehensive Victorian Register to be maintained. Links between registrations can then be identified using details such as the date of birth, and gender.

The name and address of applicants may not be disclosed without their written consent. (S 103).

'Non Contact' Registrations

Applicants may enter 'Non Contact' registrations, that is, they may register a wish not to be contacted if a registration is received in relation to themselves.

Birth parents and relatives must be informed that a 'Non Contact' registration does not prevent an adopted person from locating or contacting them, but that their wishes will be passed on to and discussed with the adopted person.

These applicants should be encouraged to provide information about themselves, including their reasons for their wishes, to assist other parties to come to terms with the situation. If they wish, applicants may be encouraged to re-affirm their wishes from time to time.

Eligibility

The Victorian Adoption Information Services are authorised to assist people affected by legal adoptions.

The program does also treat as adopted and assist, persons who were placed in' de facto, adoptions before 1928, when the first adoption legislation was passed in Victoria. Records, such as those of children placed under Infant Life Protection agreements, can be used to identify people.

The program is not able to assist people separated from family members for other reasons, for example, wardship, foster care or divorce. Referrals to the Freedom of Information Officer at Department of Human Services (DHS - formerly Community Services Victoria) are made for people about whom there may be ward records. (Ss IO2(e) and S 104).

Every effort should be made to refer appropriately any member of the public who makes inquiries to the program but is not entitled to register.

Priority Procedures

Agencies determine which applicants, if any, should receive priority. Common grounds for granting priority are age or medical needs.

When links are identified, they are confirmed, and the new applicant is given priority and offered a mandatory interview.

Applications from Persons Adopted as ' Non Citizens,

People adopted subject to Intercountry adoption procedures are entitled to apply to the A.I.S. Procedures and resources to assist with seeking information and searching on their behalf are currently being developed.

Applications to the Court

If the agency has been unable to locate a person or obtain current information to which an applicant is entitled: (S 99)

or

where a person is not an eligible applicant (S 100)

an application to the County Court may be made. A report from an Approved Counsellor must accompany such applications.

The Mandatory Interview (S 87)

All applicants must have an interview with an Approved Counsellor before they receive any document or information from records. The interview was included in the Act with the aim that information received would be used sensitively by the applicant.

Purpose

There are three broad objectives:

- To execute the legislative requirements of the Adoption Act 1984 in regard to the provision of information to applicants.
- To inform the applicant of her or his legal rights under the Act, which include an explanation of the services to which the applicant is or may be entitled.
- To create an awareness for applicants, to their own needs and to the needs and rights of others in the birth, current and adoptive families.

Format

The Adoption Information Service operates on the basis of an Act, which gives persons certain rights.

The Act entitles applicants to specified information. The right is unconditional; leaving limited discretionary powers to withhold information.

For example, the relevant authority may release information to birth relatives if *the agency is satisfied that this is desirable.* (§ 97)

The agency is required to give consideration to the protection of privacy and to the protection of identify.

The mandatory interview does not involve the counsellor in making decisions about what to release.

Information should be given to applicants in writing before the mandatory interview about entitlements, procedures and the type of information, which will be available at the interview.

Counsellor's Tasks

- Explain the main rights and services to which the applicant is entitled
- Provide a positive climate in which the applicant can share feelings and concerns about the information sought, and whether contact is possible or wanted.
- Acknowledge that the need for information and contact is normal and healthy. This approval ' is appreciated and valued by many applicants who are still clarifying what they hope to achieve by their application.
- Provide appropriate reading material to assist with preparation for search, outreach and reunion and longer-term relationships.
- Explain the role of the counselling service, which must respect all parties to the adoption, with their possibly competing needs, desires and life situations.
- Inform the applicant if another party to the adoption has registered on the Adoption Information Register, and if so, any wishes expressed by that person about information exchange and/or contact.
- Discuss with and inform the applicant of, the possible consequences of her or his actions for themselves and others. This should include positive results as research indicates that most people state that they are pleased to have obtained information and searched, whatever the outcomes.
- Be sensitive to individual differences in the extent of and type of support welcomed by applicants.
- Provide appropriate counselling on request, with referral to community based services if the issues go beyond the context of the application, or if they are long-term.
- Provide support for all parties during the period of outreach and initial contact
- Where the applicant is a birth parent or relative, or an adoptive parent, and requests current information and contact, act as an intermediary, negotiating and conciliating between the parties.
- Encourage applicants to form supportive relationships with others in the community with an adoption experience.
- Inform applicants of the self-help groups, and the country and metropolitan support groups and the role they can play pre and post-reunion.

- Indicate the relevance of the above supports to all members of the extended adoption family, including anyone the applicant contacts.
- Discuss any concerns the counsellor may have about the consequences of information release without impinging on the applicant's legislative entitlements.
- If possible, discuss issues about making contact
- For example, reunion is frequently a time of experiencing powerful emotions, which has been compared to. ...'*an emotional roller coaster ride, from depression to ecstasy*'. .Birth!! Bond. Reunions Between Birth Parents & Adoptees. Judith S. Gediman & Linda P . Brown, New Horizon Press: New Jersey, 1989
- The complexity of post-reunion relationships may need time, patience and thoughtful commitment as people adjust to new relationships.
- The experience of sexual attraction between some parties can occur in parent-child reunions and sibling reunions. Such feelings are more likely to dissipate if they are acknowledged and understood between the parties.
- Grief counselling may be needed by people coming to terms with past adoption experiences or by those discovering traumatic information, for example that the adopted child has died. The need for counselling in these circumstances should be normalised by the counsellor.

Types of Mandatory Interview

Applicants can choose to have an individual, group or telephone interview. They attend in person and may bring a friend or relative.

Identification of the applicant is required. Release of information except as provided by the Act is prohibited. (S83).

Criteria for Individual Interview

- If the registration form indicates special assistance may be needed. For example, the applicant is institutionalised, or has a disability
- If information may be upsetting
- When a 'Link' is identified, the second applicant may be offered an individual interview Criteria for Telephone Interview
- Applicant is overseas, interstate, in remote Victoria
- Access difficulties because of P.I.S. location, disability or illness

Criteria for Group Interview

- The information given to applicants about group interviews should clearly indicate the duration of the interview

- The decision to attend a group interview should be made by the applicant. Not everyone considers that a group is a suitable environment in which to receive personal information and not everybody feels comfortable in groups
- If there is reason to believe that an applicant's needs would be dominant in the group and might prevent other group members from achieving their objectives, an individual interview should be offered
- Group interviews enable participants to be and talk with people who have had similar experiences. Some applicants have never met or talked with an adopted person or a birth parent. This can be an occasion for sharing, and it can enhance confidence. Applicants broaden their ideas by hearing about the feelings and experiences of others

Release of Records

What can be released:

- Information must be reasonably likely to be true, and must not unreasonably disclose information relating to the personal affairs of another person. (S 91)
- Decisions to withhold information must be justified either by the above or by the protection of privacy (S 88)
- Where information of a medical or psychiatric nature, which counsellors believe could be prejudicial to the physical or mental well being of the applicant, is to be disclosed, counsellors may disclose the information to a legally qualified medical practitioner nominated by the applicant. This would also require that the doctor had agreed to disclose the information to ~e applicant. (S 89)
- Agencies approved under Part VI of the Adoption Act are deemed to be prescribed authorities for the purposes of the application of the *Freedom of Information Act* 1982. The time period for compliance with requests for information for the purpose of S 123 of the *Adoption Act* is 28 days after the request is made.

Searching

Agency searches on behalf of all applicants except adopted persons over 18 are necessary because these applicants are not entitled to identifying information.

Adult adopted persons conducting their own searches are able to obtain assistance from a variety of sources, including the A.I.S. agencies, V.A.N.I.S.H., the telephone search advice service, The Registry of Births, Deaths and Marriages, the Road Traffic Authority (Vic roads) and private searchers.

Aboriginal applicants are entitled to use the above resources, but the Victorian Aboriginal Child Care Agency offers specific support and search assistance to Aboriginal applicants.

Link-Up is another Aboriginal organisation that assists adults who were separated from their families when they were children and raised by non-Aboriginal people, including Kooris who were fostered or adopted. Link-Up assists with location, reunion and post-reunion issues.

The objective of searching is to locate the person sought by the applicant and ascertain their wishes in regard to providing or obtaining information or having contact with the applicant.

To ensure protection of privacy, it is desirable to make contact with the person sought without alerting any family member or friend or associate of that person or persons (if adoptive parents) to the matter. This must be kept in mind when searching strategies are decided.

Reasonable searches for persons about whom current non-identifying or identifying information is sought are required by Part V I of the Adoption Act. The Act does not define a reasonable search, and there have only been a few court cases under Ss 99 or 100 to test this process.

Practice has changed over the years, partly in response to the large number of applications received by the A.I.S. and partly in response to amendments to legislation, and to changing legislation and practice of other organisations and states.

Cases should not be closed as 'Not Found' unless a full search consistent with Section 99 has been undertaken.

If a person whose agreement is required cannot be located, this should be conveyed in writing to the applicant, together with general details of searches undertaken, and the applicant should be advised of the right to make application to the Court.

Although many adopted adult persons conduct their own searches, there is a capacity to search on their behalf if this is requested or where the counsellor considers this desirable and with the consent of the adopted person.

Procedures When Searching on Behalf of an Adult Adopted Person:

- Self-search is believed to be a growth process for adult adopted persons, and provides an opportunity for them to take or regain control of their lives. People, at the mandatory interview, may seem uncertain of how they will manage, but counsellors can encourage clients to attempt the search themselves, with the supports available
- Many people who were initially hesitant may be encouraged by the interview process itself, and the supports available to assist self-search after the interview, and get pleasure from their achievement
- All adult adopted persons should be made aware of the availability of an agency search and be invited to recontact the worker if, at a later stage, they wish to request an agency search-
- An agency search may be initiated by a counsellor or by an adult adopted person
- A counsellor may offer an agency search and outreach if the counsellor believes a person would not be able to conduct self-search and outreach effectively. Factors such as physical or intellectual disabilities which would make self-search very difficult for the person, or psychiatric or behavioural characteristics which might impede the ability of the searcher to achieve contact without causing harm to themselves or others would be examples. This could occur at the mandatory interview or at a later stage.

An applicant accepting such an offer would need to be aware of:

- Any delay involved.
- Any costs incurred in the search would normally be paid by the applicant.
- The agency will undertake contact.

- If the person to whom an outreach is made refuses contact the worker should inform the respondent about the information the applicant holds and that this could enable the adopted person to find and contact them.
- If an adopted person requests an agency search, the following conditions and procedures generally apply:
 - Some months have passed since the mandatory interview, giving the applicant time to consider self-search
 - The applicant has been made aware of the support services available to persons conducting self-search, including contact with the agency worker
 - The applicant has been informed of the benefits thought to be associated with self-search
 - The applicant has requested the agency to undertake the search -Contact will usually be by letter sent by the authorised agency
 - The identifying information obtained during the search will not normally be made available to the applicant
 - If a refusal is received to an agency outreach, the agency may not necessarily be able to re-contact
 - If the applicant searches and receives a refusal, they may wish to attempt another outreach later, depending on the precise nature of the refusal

A Standard Search Should Involve:

- Reading current and former agency records and court records by the agency
- A check with Government Statist marriage records in Victoria and/or the State indicated as relevant by the records, when seeking a female. Some States do not permit the release of marriage and/or birth certificates either to A.I.S. agencies or individuals searching
- Checking the Australian Electoral
- Checking telephone listings Australia wide (Electronic White Pages)
- If the adopted person cannot be located, or the adopted person is under 18, it is standard practice to search for the adoptive parents
- If the adoptive parents are not located by use of the above procedures, agencies may wish to contact other people who may know the whereabouts of the adopted adult person or the adoptive parents
- The purpose of the inquiry may not be disclosed to persons from whom information is requested. If necessary, the caller might state, for example, that their task is to assist members of families who have been separated to find one another
- Persons who might be contacted include:

- persons named on the marriage or birth certificates of the adopted person, adoptive parents, or on divorce papers if there was a divorce after the adoption
 - if a divorce occurred after the adoption, a search for a later adoption should occur
 - persons named on death certificates of adoptive family members
 - previous neighbours of the adopted person or adoptive parents
 - adult children of the adoptive parents -siblings of the adoptive parents
 - other persons or sources as disclosed during the search
- A similar procedure applies when searching for a birth parent as in a search for an adult adopted person, or for the adoptive parents.

Searching Resources Available:

Court, agency and ward records Government Statist records, such as records of births, deaths, marriages, deed polls and divorce.

Electoral Office records, including old Electoral Rolls Telephone listings, including Electronic White Pages Sands & McDougall or equivalent in other States.

Records such as those of the Road Traffic Authority (Vic Roads), the armed forces, or the police may occasionally be available and useful.

There are many reference works and sources used by individuals conducting genealogical searches, but the above list refers only to the usual methods used by A.I.S. agencies.

Making Contact:

- Adopted adult people can initiate their own contact or request an intermediary, but agencies must make contact on behalf of all other applicants.
- Contact letters can be sent in plain envelopes
- Timing of contacts should be carefully considered so that:
 - the counsellor will be available to receive the response.
 - to avoid coinciding with birthdays, exams or occasions such as Mother's, Father's Day, Christmas or other outreaches to members of the adoptive family.
- If the adopted person cannot be located, and is over 18, the outreach will be sent to the adopted person at the address of the adoptive parents
- If the adopted person is under 18, the outreach must be to the adoptive parents and the letter is addressed to the adoptive parents
- Outreach contact with adopted persons or adoptive parents should:
 - clearly indicate that it is about the adoption and name the adopted person

- state the status of the person on whose behalf the outreach is made (for example, a birth mother/father or sister or brother).
- clearly explain the legal rights of the parties
- offer counselling-and support from the agency and self-help and groups -be made by letter except in exceptional circumstances.
- The name and address on the envelope should be carefully checked before a letter is sent.
- If there is any doubt about the identity of the person being approached, a short letter requesting the recipient to contact the writer, which does not mention adoption, and is not on A.I.S. letterhead should be sent.

Intermediary Services

Counsellor Objectives:

- When acting as an intermediary the counsellor should be impartial in the sense of being equally responsive to the wishes and needs of all parties
- Although the intermediary should not be committed to any particular outcome in individual cases, for example, contact between the parties, there is a general belief that contact is valuable to persons separated by adoption
- Intermediary processes will frequently result in reunions between adopted persons and their birth relatives. The success of any reunion will partly depend on the preparation of the parties, and the extent to which their expectations are realistic and well founded
- Being well prepared includes feeling in control of the process and pace of events. This is assisted by having as much information as possible, gained for example through exchange of names, letters and photographs. It may involve time to absorb newly discovered information, and time to tell families of the existence of the relative.
- Many people will need to build trust in the other party before feeling able to meet.
- Sometimes the person searching actively is well prepared for contact, whereas the person sought is less prepared. Counsellors may need to encourage the searcher to be patient.
- Experience has indicated that relationships between the parties to adoptions after contact or a reunion do not always run smoothly. Counsellors should discuss the continuing availability of support and counselling to the parties.
- Although the precise reasons for the difficulties experienced after reunion will vary with each case, it is likely that feelings of loss and anger, which resurface from time to time may be partly responsible. Counsellors should encourage the parties to understand that expression of such feelings may be necessary and positive for their relationships
- The intermediary process in the domain of adoption information services is likely to begin as a result of a response to an approach informing the party concerned of an inquiry by their birth relative

Mandatory Interview with Respondents to Outreach:

- This interview must follow the same procedures and has the same purposes as outlined under the Mandatory Interview section of this document.
- The mandatory interview with a respondent who has been approached by a counsellor on behalf of another applicant has, in a sense, been imposed on the respondent. So there may be more hostility and resistance involved. A further difference is that the interview is more likely to occur on the telephone.
- All respondents to an outreach should be invited to discuss the matter in person

Intermediary Services for Respondent to Outreach:

- Counsellors must be aware of and advise the person responding that registration and a mandatory interview are required by the Adoption Act 1984 before a document or any information contained in records can be supplied.
- If the person responding to outreach agrees to receive current information, then this may be given over the telephone, subject to the discretion of the counsellor, and in accordance with the counselling practice standards outlined in this document and later in this section.
- The respondent should be made aware as early as possible of the availability of counselling. The counsellor should offer an appointment in the office to discuss the outreach. If appropriate, information about the availability of general community supports out of office hours should be discussed.
- The positive aspects of talking with others who have had similar experiences should be conveyed, with information about self-help and support groups and their locations.
- The counsellor should explain their impartial role in relaying the wishes of the parties to one another. The counsellor's objectivity is essential to counter possible escalation of the respondent's fantasies about the other parties.
- The counsellor should explain the rights of the parties, in particular the rights of parties to register and obtain information and records.
- The respondent should not be pressured. If the caller is unsure of their wishes the counsellor should offer time to consider the matter and ask the caller to contact in a week or two. The counsellor should obtain the phone number of the caller if the caller is willing to provide it.
- The possibility of shock reactions and delayed reactions should be explained to respondents. One of the principal tools available to the counsellor to avoid shock reactions is the timing and pacing of disclosure of information.
- Counsellors should see the person responding as a client in their own right and provide the opportunity for expression of feelings. The counsellor should be receptive to the needs and wishes of the respondent and normalise their experiences and feelings where appropriate.
- The counsellor should avoid making assumptions about whether the respondent will interpret any particular information as positive or stressful.
- If a response to outreach is received by letter, the counsellor should always acknowledge the response by letter unless a specific request for 'no further communication' has been made. The letter should:

- acknowledge the wishes expressed in the respondent's letter
 - note that the inquiring applicant has been informed of the response
 - reassure the adopted person that their wishes will be respected and that their privacy is protected by the legislation
 - encourage the respondent to contact the agency if they require information in the future.
- The counsellor should work through the responses of the respondent, whatever they are, with the original inquirer. The counsellor should consider the timing of this process and allow the person who received the outreach time and space to come to terms with the outreach and its implications.
 - If a rejection has occurred or other potentially stressful information is involved, support mechanisms should be discussed with the enquiring applicant.
 - The person approached has a right to refuse the applicant's request. This should be accepted by the agency and recorded.
 - In certain circumstances the counsellor must inform the person approached in writing of the applicant's right to apply to Court for release of information. For example: where adoptive parents refuse to tell an adult adopted person of an outreach
 - The refusal should be conveyed in writing to the enquiring applicant who should be advised of the right to make application to the Court. This information is potentially distressing and should be conveyed to the applicant in a manner previously ascertained from the applicant.

ADOPTTEES

Registration

Adult Adopted Persons

Adult adopted persons may apply for a copy of their original birth certificate. They are also entitled to receive any agency, ward and/or court records relating to their adoption and to apply for hospital records in accordance with the *Freedom of Information Act*, 1982.

Adult adopted persons are entitled to any identifying and non-identifying information about birth parents, siblings and half siblings, which is included in these records. (S 93)

Adopted Persons Under 18 Years

Adopted persons under 18 may apply for identifying or non-identifying information.

The permission of each of their adoptive parents is required before ANY information can be provided. This enables people under 18 to be given non-identifying information from records relating to the adoption.

They may receive identifying information with the written agreement of the birth parent. (S 94)

Adopted Persons who have Exchanged Identifying Information with a Birth Parent

If an adopted person has *exchanged identifying information with a birth parent* named on the original birth certificate the adopted person is not required to attend an interview.

The adopted person must register, and provide a Statutory Declaration to say they have exchanged identifying information. Once the details have been checked against the Statist sheet, the court records may be sent to the applicant.

Some of these applicants may wish to attend an interview to discuss adoption issues or wish to search for the other birth parent, or other birth relatives.

Mandatory Interview

Adult adopted persons have the right to identifying information. This means that a copy of the court records (provided that they have been located) to which an adult adopted person is entitled MUST be given AT that legislatively prescribed mandatory interview (or posted if a telephone interview was conducted). Material to which the applicant is not entitled, such as information about the previous marriages of adoptive parents, or about other children adopted into the family, must be deleted.

The Search Guide and other literature to assist preparation for searching, outreach and reunion is given to each adult adopted person at the mandatory interview.

The possible effects of their application for members of their current, adoptive and birth families should be discussed. The adopted person may wish to clarify issues pertinent to their own family situation.

The counsellor should ensure that the adult adopted person is aware that some birth parents may not have told current family members of the existence of the adopted person. The implications of this for the adopted person and the birth family should be discussed.

The applicant should also be informed that research and practice experience have indicated that many birth mothers have informed their current family about the relinquishment, and that a high percentage of birth mothers welcome some form of contact.

Adopted persons should be advised of the telephone search advice service, V.A.N.I.S.H. and the services offered by the Registry of Births, Deaths and Marriages. The applicant should be informed about applying for agency and hospital records.

If the adopted person intends searching, the implications of different search and contact techniques, including the possible use of an intermediary, should be discussed.

Adult adopted persons are now encouraged to conduct their own search and outreach processes.

A capacity to search and outreach on behalf of adopted persons has been retained. Where counsellors consider this desirable they may offer to undertake these processes for the applicants. The advantages and constraints of this method of service need to be clearly indicated to the applicant. See principles and procedures for offering an agency search in chapter entitled Searching.

The counsellor should offer support and discussion about search and contact processes. A thoughtful approach in the initial search and contact phase helps in the establishment of an ongoing relationship.

The counsellor should express an interest in hearing from the adopted person again and explain that ongoing support is specifically provided for adopted persons conducting their own search and outreach.

Sibling Links Between Two Adult Adopted Persons

If siblings have been adopted into different families and both register, then they will be 'linked' by the computer. Generally, they will be unaware of each other's existence.

The counsellor will need to ensure that both adopted adult persons linked as siblings are informed of the link.

Counsellors Should Provide Opportunities for Discussion of the Following Issues with Adopted Persons:

- their current knowledge of the circumstances of their own relinquishment and adoption
- their beliefs and perceptions of why a birth mother might relinquish a child
- the reasons for the application and what they plan to do with their information. Their motives may include obtaining information, curiosity about family members, a desire for acknowledgment by or ongoing relationships with birth family members
- the nature of their motives and of the significance they believe the application has for them
- their hopes, expectations and fears about contact

- their perception of the possible current situation of their birth parent.

Release of Records

Adult Adopted Person

Adult adopted persons receive a copy of their court records, which contain a copy of the original birth certificate, at the mandatory interview. If possible they should also receive any agency or ward records relating to their adoption. If these are not available at the interview the worker should encourage applicants to apply for these records.

Section 93 permits adopted persons of 18 years to apply for information from records *'whether or not a natural parent or a natural relative of the adopted person may be identified from that information.* ,

Any information which is not contained in records *'...in the possession or under the control of a relevant authority'* and from which the whereabouts of a birth relative could be found cannot be disclosed:

- a) without the written agreement of the persons whose whereabouts would be disclosed and
- b) unless the agency has complied with any condition on the agreement to release identifying information.

The written agreement does not have to be obtained if:

- a) the person is dead, or
- b) reasonable inquiries have been made and the person cannot be found.

Editing of Records

All records should be read, and edited where appropriate. The information released should be pertaining to the adopted person. Identifying information about other people, for example the birth names of other children adopted into the same family, must be deleted. Information about any divorces of adoptive parents before the marriage between the adoptive parents must be deleted.

Agency records may contain assessments of applicants to adopt. These contain some documents that are given in confidence and therefore cannot be released. These include:

- References
- Medicals
- Police checks

S 88 Privacy, assessments

The written assessment, often by social workers, of the adoptive parents, should not be released to the adopted person. The assessment contains very personal information and is protected under Section 88 of the *Adoption Act 1984*, the Protection of Privacy.

In instances where the adoption has broken down, or was less than desirable for the adopted person, it can be argued that information from the assessment is ' *about the adopted person* ' and that the adopted person needs insight into how the adoptive parents were seen at the time.

The records will still need to be edited and information about other adopted persons or which contravenes rights to privacy must be deleted.

Discretionary Issues

Decisions about withholding information need careful consideration. Such decisions must be justified either by the privacy provisions of the Act or because they are not reasonably likely to be true.

Information about the adopted person is not generally edited. Judgemental statements about the adopted person, such as 'very unattractive baby' may be distressing to the applicant, but may be necessary to understand decisions made at the time. Such comments should be placed in the context of attitudes prevailing at the time.

Grounds for Not Releasing Information to Applicants Information may need to be modified if:

- in combination, it becomes identifying. Names, addresses, phone numbers and photographs are considered identifying
- the information infringes the right to privacy of another person (Section 88)
- the agency is not satisfied that the information is reasonably likely to be true (S 91)
- it unreasonably discloses information relating to the personal affairs of another person (S 91)

The general nature of the reasons why any information is not to be released must be conveyed to the applicant and recorded on the applicant's file. The agency must advise the inquirer of the right to make application to the court.

Sensitive Information for Adopted Persons

Background information about rape, sexually transmittable diseases and incest should be given to an adult adopted person as information relevant to the affairs of the adopted person.

Where information about the birth or 'putative' father exists it can be given on the understanding that this may not be accurate.

If information is known which may put a person at risk, although this happens rarely, and will usually be as a result of intermediary processes, counsellors should discuss with supervisors and use discretion.

Information is not withheld simply because it is difficult to address.

Procedures for Releasing Records

At the mandatory interview, applicants must be advised of their right to apply for agency and/or ward records, or information from the records, to which they may be entitled, if these are not available at the interview.

The information contained on these files can be important to adopted persons coming to terms with the information received at the mandatory interview. It may provide some personal description of birth relatives or their circumstances and it may contain information about the putative father.

Such information can be crucial in deciding whether or not a person wishes to search and may provide clues for location of the person sought.

Applicants must also be advised of their rights under the *Freedom of Information Act* to apply to hospitals for information about themselves.

The agency records must be checked to see that they actually refer to the applicant. Information about other children adopted into the same family must be deleted.

The A.I.S. file must clearly indicate what information from the court records or from the agency or ward file, if any, has and has not been released. The grounds for withholding information must be noted on the agency file.

Records are generally to be mailed to applicants who have attended a mandatory interview. Legislation provides that applicants only need to attend one mandatory interview. The applicants' preference for receiving records by mail or at a further interview should be taken into account, as should the sensitivity of the information.

A letter should accompany other records sent by mail it should:

- refer to the A.I.S. application and request for records.
- state what type of records, agency, court or ward, are attached. If they are agency records, the name of the agency should be given.
- provide a context for reading the records if these issues were not previously discussed. Judgemental statements or decisions contained in the records may not accord with standards today. The worker should explain the significance of the age of the records for their interpretation.
- offer the applicant the opportunity to contact the counsellor if discussion is required.

Mail

Records should be sent by certified mail when not received at the mandatory interview, unless requested otherwise by applicants. Requests for correspondence in plain envelopes must be respected.

Agency Contact on behalf of Adult Adopted Persons

Workers should inform adult adopted persons that it is their decision whether to undertake outreach themselves and that they have the right to request agency help with outreach.

Agencies generally encourage adult adopted persons to undertake outreach themselves. One non-government agency believes that an intermediary is preferable and offers outreach services within this framework.

Conditions Under Which the Agency Would Undertake Contact After an Adult Adopted Person has Located the Person Sought:

- The searcher understands the advantages and disadvantages of contacting directly. The counsellor should discuss these clearly with the adopted person and then suggest a three-week delay in which the adopted person could further consider the matter.
- Alternative persons who might undertake the outreach have been discussed with the client.
- If the adopted person then requests the agency to conduct the outreach, the counsellor should discuss issues that would arise in the event of a refusal.
- The counsellor should ask the adopted person to provide evidence of their relationship to the person to be contacted.
- The adopted person should be shown, and asked to read, a copy of the outreach letter to be sent by the agency.

Intermediary Services With Adult Adopted Persons Responding to Outreach

The issues which may assist counsellors to open up discussion with adult adopted persons include:

- feelings about receiving the outreach letter
- when and how the adopted person learnt of their adoption
- the extent to which adoption has been discussed in their family
- the feelings they have experienced at different times about their adoptive status
- what information about the circumstances of the adoption or about their birth parents is known to the adopted person
- whether the adopted person was aware of changes to the legislation and whether they had thought of seeking information or searching
- whether the outreach letter has been discussed with their adoptive or current family or friends, and if so, what attitudes have been expressed
- whether the adopted person knows other people with adoption experiences.

Counsellors must assess the amount and type of information released by phone, and distinguish between current information being conveyed on behalf of the birth parent or relative and information from records.

Discretion must be used regarding the timing of any disclosure of information which the birth parent or relative may have requested be conveyed to the adopted person.

A principal tool the counsellor has to avoid shock reactions is the pacing of provision of information.

The counsellor should enquire whether the adopted person has informed their adoptive parents about the outreach and offer to speak with the adoptive parents if they wish.

The counsellor should enquire about any expectations, hopes or fears the adopted person may have and clarify these where appropriate.

If the adopted person does not intend disclosing the outreach to current or adoptive family members, the constraints this will place on the development of relationships with birth family members should be clearly discussed with the adopted person and the enquiring applicant.

Intermediary Services Where the Adopted Person Had Not Been Told of Their Adoptive Status

The counsellor should acknowledge the feelings of the adopted person, which are likely to include shock, disbelief, confusion and anger. The counsellor should normalise these feelings and offer the respondent a personal interview.

One way of normalising the possible feelings of the adopted person is to explain that after receiving the outreach letter and the initial shock, adopted adults often state that knowledge of their status has helped them to understand the events of their life. They often express a feeling of relief and consider that the knowledge they have obtained is of value to them.

Anger may be directed at the legislation, the agency, the worker or the birth parent or relative for intruding into the life of the adopted person. The counsellor should acknowledge the impact of past adoption practice and changes in legislation on the respondent.

A pamphlet is available from DHS (-formerly C.S.V.) for persons who have just discovered they are adopted.

The adopted person may wish to discuss the outreach and their status with their adoptive parents. The counsellor should offer to speak with the adoptive parents and advise the adopted person about self-help and support groups they and/or their parents can contact.

The counsellor should explain some of the reasons why adoptive parents might not have revealed their adoptive status and help the adopted person understand the actions of the parents.

The adopted person may wish to explore the facts to confirm that they really were adopted. The counsellor should explain the advantage of registration and obtaining original records.

The date of birth of the adopted person, together with the full names of the adoptive parents and details about them such as their dates of birth, and their address and occupations at the time of the adoption can assist the adopted person to verify the facts.

Ultimately the adult adopted person who was unaware of their status will decide whether they want to convey information to the birth parent or relative who enquires or have contact with the inquirer. The outcomes tend to be similar to those where the adopted person knew of their status, although figures have not been kept to provide hard evidence of this.

Intermediary Services with Adopted Persons Aged 18-25 Years Responding to Outreach

Counselling with young adult adopted persons requires sensitivity to their transitional life stage and situation.

These adults are often living at home and in the process of separating off into full independent life but may still be dependent to some extent on their adoptive parents.

At this age, people usually still in the process of establishing a stable ego and identity, which is a more difficult task for adopted persons than others because of the processes of adoption and lack of knowledge about the birth family. There is great variation between individuals in the degree of emotional maturity which has been achieved.

Many people in this category will have considered seeking information or searching but not felt ready to do so. It is important to avoid the situation of young adult adopted persons being thrown into complete confusion as to where they belong.

The adopted person may struggle with feelings of loyalty to their adoptive family, whether or not they inform the family of the outreach.

If the adoptive family is informed, the adoptive parents may feel threatened. Apart from the usual concerns of parents about children moving into full adulthood, there may well be a feeling of 'losing' their child to the birth family. There may be a perception that they have completed the hard task of parenting, and that the birth family are reclaiming the 'child' now they are moving to independence.

If the birth parents are younger than the adoptive parents, the latter may feel that the birth parents will appear more attractive to the adopted person. Adoptive parents may well re-experience the whole disadvantage of their adoptive parent status, including feelings about infertility.

The adopted person is likely to be very concerned about the effect of the outreach on their adoptive parents. Taking into account the needs and feelings of the enquiring birth relative and of their adoptive parents is a complex task. The perceived risk of the adopted person is that they may 'lose' both sets of parents.

In the ideal situation, the adult adopted person would be free to consider their own feelings and needs and to respond accordingly. The reality is often much more complex and it may be difficult for the young adult adopted person to identify their own feelings and make their own decisions.

- Counsellors should be aware of these additional issues, which may be involved when an outreach has been made to a young adult adopted person. It may be helpful to talk through these issues with the inquirer before outreach and with the respondent to normalise their feelings of stress and confusion.
- Counsellors should acknowledge that the outreach may lead to a period of emotional turmoil for the adopted person and their family and offer support and counselling to members of the family via the respondent.

Procedures When Other Persons Respond on Behalf of an Adopted Person

Note: For discussion about intermediary processes with adoptive parents when the adopted person has not been informed of their status, see later heading.

Adoptive parents or other persons sometimes respond on behalf of adult adopted persons where:

- the adopted adult person has asked them to respond on their behalf
- the adult adopted person has thrown the letter away

- the adult adopted person has no intention of responding.

In these situations, the adoptive parents may be quite sensitive to the position of the birth parents/relatives. If they have encouraged the adopted person to respond this can be experienced as pressure by the adopted person.

- A letter has been intercepted by the adoptive parent/s.
- The counsellor should write direct to the adult adopted person and acknowledge the message that has been given. The letter should:
 - refer to the contact and inform the adopted person who made the contact
 - acknowledge the message that was conveyed
 - encourage either a phone call or letter stating their wishes. It is helpful to explain that the agency has a responsibility to ensure that the adult adopted person did receive the outreach letter and to convey the wishes of the adult adopted person to the enquirer.
- Inform parties who respond on behalf of an adopted person that the agency has a responsibility to ensure that the adult adopted person did receive the outreach letter and to obtain, if possible, the wishes of the adult adopted person for the enquirer.

Intermediary Services with Adoptive Parents Responding to an Outreach Regarding an Adopted Person Under 18

The degree of anxiety and stress adoptive parents experience when they receive an outreach varies greatly.

Although the wishes of the adopted person should be taken into account, adoptive parents may choose not to tell the adopted person of the outreach.

They have the legal right to inform or not to inform their adopted child of the outreach. The areas for discussion with adoptive parents include:

- the information they were given about the birth family and the reasons for the adoption
- how the adoptive parents feel and have felt about this information
- what the adopted person has been told about their background and how they responded
- whether the adoptive parents have told the adopted child about the outreach and the
- involvement of the child in making decisions about the responses to the outreach
- if the parents have not told the adopted person about the enquiry, what their intentions are about disclosure.
- what the wishes and plans of the adoptive parents are about contact with the agency and the birth parent or relative in the short and long term.

Counsellors should acknowledge the right of adoptive parents to control the response to alleviate stress and to indicate their neutrality as intermediaries.

The counsellor should give the adoptive parents clear information about what the birth parent is requesting, the reasons for the outreach and the needs of the birth parent or relative.

The counsellor should check with the adoptive parents the precise nature of the information, if any, to be conveyed to the birth parent or relative and discuss whether the parents will write to the inquirer via the counsellor, or whether the counsellor should provide the information, or a meeting is preferred.

The counsellor should inform the adoptive parents that the birth parent or relative has the right to request outreach direct to the adopted person when the latter is 18.

The possible significance of the adoptive parents' response now for their ultimate relationship with the adopted person, may need clarification.

Intermediary Services with Adoptive Parents Who Have Not Told the Adopted Person of the Adoption

The counsellor should discuss the importance of the adopted person being told of their adoption by their parents rather than by chance.

Children of Adopted Persons

Adult children (if over the age of 18) of adopted persons have the same rights to information as the adopted person.

The adopted persons *must be notified by the agency* of the anchor unless evidence of the death of the adopted person is provided. (S A)

Mandatory Interview

If the applicant is the adult child of an adopted person, then the agency must notify the adopted person in writing before release of information. If the adopted person has died, evidence of the death is required before release of information.

As from 5/12/89 an amendment has permitted the children of adopted persons, once they are 18 years of age, the same rights to information as are available to the adult adopted person.

The agency must notify the adopted person in writing that it intends to provide the information, or have evidence of the death of the adopted person. (SA).

BIRTH PARENTS

Birth parents who are named on the original birth certificate may obtain a copy of that certificate. (They may also obtain a copy directly from the Registrar of Births, Deaths and Marriages.) (S95 & 96)

Birth parents may obtain non-identifying information from records relating to the adoption.

Identifying information can be given *with the agreement in writing*, of the adopted person, or of the adoptive parents if the adopted person is under 18.

If the adopted person is under 18 the adoptive parents may decide not to inform the adoptee of the enquiry. The agency must consider the wishes of an adopted person who is under 18, where these are known.

If a birth father is not named on records he must sign a Statutory Declaration stating that he is the father before being included on the Register. The records should then be checked to confirm that there is no evidence to the contrary.

If identifying information is sought about a deceased adopted person who would be under 18, the agency should seek the permission of the adoptive parents to release the information. If this is refused, the applicant should be informed of the right to apply to the Court.

If a deceased adopted person would be over 18 years, it is not necessary to seek permission before releasing identifying information to an eligible applicant.

Mandatory Interview

As the birth parent is not entitled to identifying information the agency must undertake search and outreach on behalf of parents who request this.

The counsellor needs a basic understanding of the applicant, and the reasons for the application and timing of it, to adequately represent them in the role of outreach and mediation.

To retain maximum applicant responsibility and autonomy within this constraint, the counsellor should explain the search procedures and alternatives to the applicant, and include the applicant in decision making during the search and outreach processes.

The current *age* of the adopted person, and considerations of family life processes and transitional stages should be discussed. Adopted persons under 25 are may be vulnerable.

The rights and possible feelings of adoptive parents must be discussed if the adopted person is under 18. The adoptive parents may decide not tell the adopted person of the application.

The impact of the process on adoptive, birth and current families should be discussed, including whether the birth parent has informed family members of the application, and is aware that the other birth parent may become involved.

Counsellors should provide opportunities for the following issues to be discussed with birth parents:

- identification of the meaning of the adoption experience and the application, taking into account applicants' current life situation.

- identification of goals and the reality of achieving them. To acknowledge the child is no longer the baby relinquished and to prepare for the uncertainties of the outreach response.
- normalisation of issues which frequently arise, such as the impact of unresolved grief and/or guilt, and the difficulty of adjusting to the current reality.

What occurred around the relinquishment:

- conception and pregnancy
- birth parent's relationship
- parental reaction
- social pressures.
- how active was applicant in decision making.

Feelings of applicant at that time:

- what meaning the pregnancy and adoption had for them

Effect of grief and loss of that child:

- subsequent effects
- has this been discussed with others.

Mandatory Interview

The Child:

- did they see the child
- were they given information about the adoptive family
- what images do they have of the child's life
- what fears do they have about what happened to the child
- has birth parent mentally allowed the child to grow up or retained the image of a baby

Release of Records

The *Adoption Act* 1984 does not specify whether or not this information must come from records under the control of the agency. (S96)

Birth parents can only be given information which identifies or from which the whereabouts of the adopted person or adoptive parents may be ascertained, with the agreement in writing, or evidence of the death of, the adopted person.

The adopted person is also entitled to impose conditions on the release of parts of the identifying information, which must not then be disclosed. For example, the adopted person may give permission for a phone number only to be released.

At the mandatory interview the birth parent receives non-identifying information from records. Either at the mandatory interview, or within 28 days after the mandatory interview, the birth parent should receive the non-identifying information from any agency or ward file relating to the adoption.

Birth parents should be given information from records such as:

- birth details, for example the time and mode of delivery of the birth and the weight and length at birth of the baby.
- general developmental history of the child as known to the agency
- a general description of the child's life prior to placement for adoption, including previous placements in foster care or hospital and explanations of any delay before placement or finalisation of the adoption.
- death of the adopted person.
- information about the *adoptive parents* and wider family. This could include physical description, approximate age, occupation, general area of domicile, ethnic background, religion, marital status of adoptive parents, other children, circumstances at time of adoption, family attitudes, adoptive parent attitudes to adoption, any contact since placement with the agency, any wishes about information exchange or contact, death or divorce of the adoptive parents.

If birth parents apply for *current* non-identifying information, the permission of the adopted person is sought.

Birth parents seeking information about under 18 adopted persons:

The *Adoption Act* 1984, which sets out the provisions for information to be given to birth parents where the adopted person is under 18. (595). This is similar to 596 as previously outlined.

However any information which could identify or disclose the whereabouts of the adopted person or adoptive parents can only be disclosed after any wishes expressed by the adopted person have been considered; and the agreement of each adoptive parent in writing, or evidence of their death has been obtained. The adoptive parent may also impose conditions on parts of the identifying information, which must then not be disclosed.

If current non-identifying information is sought, the permission of the adoptive parents is sought.

MAKING CONTACT WITH ADOPTEES

A decision was made to shift the emphasis to the rights and wishes of the adopted person. Since July 1987 the DHS (-formerly C.S.V.) A.I.S. has approached adopted adult persons directly, and this practice has been well received by consumers and had a positive impact on the service.

One non-government organisation also sends an outreach to the adoptive parents if a young adopted person is still living with their parents.

In outreaching to adopted persons the counsellor should offer to be available to adoptive parents if they wish.

The principle underlying the outreach is that the adopted person contacted is being advised of the enquiry by the birth parent or relative, and invited to discuss their response. The counsellor can explain the reasons for the enquiry.

Follow-up

If *no response* is received to the first outreach letter, *and* the letter is not returned, there are two options:

1. If the adopted person is living independently and a phone number is available, contact by phone enquiring whether they have received the letter and take it from there.

or

2. Write a second letter, which refers to the first one and enclose a copy of the first letter. The letter should:

- acknowledge that it often takes time to consider such a significant decision
- encourage the adopted person to contact the counsellor to make known their current feelings about the enquiry.
- reassure the adopted person that it is entirely their decision
- be sent *certified mail*, requesting return of green card, which will provide verification of the letter being received at the address.

If there is still *no response*, and after a reasonable time has passed, another letter should be sent mentioning the provisions of Section 99.

"Reasonable time" will vary according to the applicant's wishes and other relevant information about the situation of the adopted person.

A copy of the original letter, and of the follow-up letter and of the list of options, plus a copy of S99 should be included in the letter.

Making Contact with Birth Parents

Where the agency conducts a search on behalf of an adopted person, the agency will usually undertake outreach to the birth parents, since current identifying information cannot be released

without their written permission (unless the birth parent cannot be located after reasonable enquiries have been made - "reasonable enquiries" may be interpreted as a marriage search and electoral roll search).

The issue of privacy is particularly significant for birth parents as other members of the family may not be aware of the birth and adoption.

Therefore it is always preferable to contact the birth parent *direct by letter*.

If other persons are contacted because a search is difficult, the counsellor should not disclose the reason for the enquiry.

Intermediary Services with Birth Parents

The issues which counsellors may wish to discuss with birth parents have been discussed in detail in the Mandatory Interview section.

When a birth parent responds counsellors should clearly explain their role and state that they are employed in an Adoption Information Service agency.

If birth parents have not discussed either the relinquishment or the outreach with members of the family, counsellors should discuss the implications of this with the birth parent.

The possible responses of family members, including grandparents who may have influenced the decision to place the child, and their impact on the birth parent may require careful discussion.

Timing can be important here, as birth parents may not wish to discuss the adoption during any period of change or stress for their family, or, for example, with teenage children.

If the birth parent decides not to discuss the outreach with family members, the constraints this will imply on contact need to be clearly explained to the respondent and the original enquirer.

ADOPTIVE PARENTS S98

Adoptive parents may obtain non-identifying information about the adopted person. Identifying information can be given with the agreement of the birth parent.

When the adopted person is over 18, the agency must notify the adopted person in writing, before identifying information is disclosed to the adoptive parents.

The Mandatory Interview with the Adoptive Parents

- Adoptive parents who apply to an adoption information service may do so for a variety of reasons. The worker should identify these with the applicants. Counsellors should also provide opportunities for discussion of a variety of issues with adoptive parents.
- Some adoptive parents seek background information from the file only.
- If their children have had health difficulties, adoptive parents sometimes seek health and medical background information specifically.
- If they are seeking current information from the birth family, the counsellor should clearly explain that this may lead to requests from the birth parents or relatives for information or contact with the adopted person or adoptive family.
- Adoptive parents may apply for the purpose of establishing an ongoing but non- identifying exchange of information with a birth parent because they regard this as advantageous during the childhood of the adopted person, and to prepare for possible later contact.
- The process of seeking information may, in the long run, provide many family opportunities for the adoptive family to explore issues of personal and family identity, roles and relationships.
- The central focus of all work with adoptive parents is helping them understand and accept that adoption is structured out of loss. There is a strong pressure to deny this and assume that adoptive family life is just like any other family.
- It can help communication in adoptive families if parents can acknowledge and feel more comfortable with the complexity and differences of adoptive family relationships. An application for information can be an opportunity for the family to enhance their ability to manage communication about adoption.
- Adoptive parents who apply for information are likely to be more comfortable with the role of adoptive parenthood and the notion of continuing links to the birth family, than some families to whom an outreach has been sent.
- One of the experiences of all parties to adoption is disempowerment -a theme which echoes and re-echoes in the lives of those affected-

The counsellor should advise adoptive parents of their legal right to control the information process while the adopted person is under 18.

If adoptive parents have not told the adopted person of their status counsellors should explain the benefits, for all parties, of the adopted person being told by their parents rather than finding out by chance. It is unlikely that the matter will remain a secret.

Adoptive parents must cope with additional tasks at periods of transition and developmental change. The counsellor should offer support and appropriate counselling in these tasks as the adoptive parents may have few other sources of help.

Adoption Information Service counsellors should be familiar with the process of revelation throughout childhood and competent to discuss it in some detail with adoptive parents. Parents often appreciate discussion about the process of revelation, or about the process of adolescence and identity for the adopted person.

The counsellor should inform the adoptive parents that if direct contact between the adopted person and birth parent occurs later, actions they have said may become known to the adopted person.

Note: Adoptive parent issues are further discussed in the section on Intermediary Services Release of Records S98.

Adoptive parents may be given information, which does not identify the birth parents of the adopted person. They can only obtain identifying information with the written agreement of the birth parent or evidence of the death of the birth parent. Birth parents may also impose conditions on the release of parts of the identifying information, which must be observed by the agency.

If the adopted person is 18 years of age the agency must notify the adopted person in writing, or have evidence of the death of the adopted person, before giving identifying information to adoptive parents.

Adoptive parents should be given *non-identifying* information from court and agency records. The information could include:

- birth details, such as time of birth and mode of delivery, weight and length at birth medical history of the child
- medical history of the birth parents which could have hereditary or congenital implications
- general description of life prior to placement for adoption, including placements in foster care or hospital and explanations or any delay before placement or formalisation of the adoption.
- information about the birth parents and wider family, for example, physical description, age, occupation, general area of domicile, ethnic background, religion, marital status of parents, other children, parent's circumstances at time of pregnancy and confinement.
- family attitudes, parental attitudes, reason for relinquishment, contact since placement, if any, wishes about information exchange or contact, death of a birth parent.

Outreach to adoptive parents

When the adopted person is under 18, outreach must be to the adoptive parents, and should acknowledge their right to make decisions about contact until the adopted person is 18.

The outreach letter to adoptive parents should clearly acknowledge that control rests with the adoptive parents. while the adopted person is under 18.

Similar follow-up activity to that outlined for adult adopted persons is appropriate if no reply to the outreach letter is received after two months.

In the follow-up approach, counsellors should clearly acknowledge again the rights of the parents, the significance of the approach and that time to consider their response is available.

NOTE: Refer to Adoptive Parents under Intermediary services for issues which may arise during follow-up to outreach to adoptive parents.

INTERMEDIARY SERVICES: ADOPTEE UNDER 18

The degree of anxiety and stress adoptive parents experience when they receive an outreach varies greatly.

Although the wishes of the adopted person should be taken into account, adoptive parents may choose not to tell the adopted person of the outreach.

They have the legal right to inform or not to inform their adopted child of the outreach. The areas for discussion with adoptive parents include:

- the information they were given about the birth family and the reasons for the adoption
- how the adoptive parents feel and have felt about this information
- what the adopted person has been told about their background and how they responded
- whether the adoptive parents have told the adopted child about the enquiry and the involvement of the child in making decisions about the responses to the outreach
- if the parents have not told the adopted person about the inquiry, what their intentions are about disclosure
- what the wishes and plans of the adoptive parents are about contact with the agency and the birth parent or relative in the short and long term.

Counsellors should acknowledge the right of adoptive parents to control the response to alleviate stress and to indicate their neutrality as intermediaries.

The counsellor should give the adoptive parents clear information about what the birth parent is requesting, the reasons for the outreach and the needs of the birth parent or relative.

The counsellor should check with the adoptive parents the precise nature of the information, if any, to be conveyed to the birth parent or relative and discuss whether the parents will write to the inquirer via the counsellor, or whether the counsellor should provide the information, or a meeting is preferred.

The counsellor should inform the adoptive parents that the birth parent or relative has the right to request outreach direct to the adopted person when the latter is 18.

Discussion also about how the adoptive parent's response now may impact on their relationship with the adoptee in the future.

INTERMEDIARY SERVICES: ADOPTEE UNAWARE OF STATUS

The counsellor should discuss the importance of the adopted person being told of their adoption by their parents rather than by chance.

The possibility that the adopted person is aware of the adoption, but has not told them should be raised by the counsellor. Experience has indicated that secrecy tends to lead to further secrecy and that adopted people who discover the facts by accident do not always inform their parents.

The experiences of the adoptive parents should be normalised and counsellors should acknowledge the lack of resources, support or assistance available for the task of adoptive parenting.

The process of revelation and the manner in which the parent may plan to inform the adopted person should be discussed. Support and relevant written material, and booklists to assist with this task should be provided by the counsellor.

The possible responses of the adopted person should be discussed.

If appropriate, the counsellor may offer to tell the adopted person of their status, perhaps in the presence of the adoptive parents.

The counsellor should acknowledge the additional difficulty for the adoptive parents now because they are making decisions under pressure.

Where the adoptive parents decide against disclosure, counsellors should advise them that the agency has a responsibility to approach the adopted person direct (if the adopted person is 18 or more).

If the counsellor is aware that the adopted person has not been told about the adoption, the birth parent or relative who has inquired should be informed of this and their views sought before a direct outreach is attempted.

BIRTH RELATIVES S 97

Birth relative (referred to as natural relative in the Act) includes a grandparent, brother, sister, uncle or aunt of the adopted person.

A birth relative may obtain non-identifying information about the adopted person.

Identifying information can only be given *if the agency is satisfied that this is desirable*, and with the agreement of the adopted person, or of the adoptive parents if the adopted person is under 18. See the section on Mandatory Interview with birth relatives for discussion of this discretion.

A Statutory Declaration from the birth father, if he is not named on the records, is required at the time of registration of paternal birth relatives.

If this is not available, paternal birth relatives must sign a Statutory Declaration at the time of registration, if the birth father is not named on records. The Declaration should state the relationship of the applicant to the adopted person. The records should then be checked to see there is no evidence to the contrary.

Mandatory Interview

The main difference between a mandatory interview with a birth parent and birth relative is that the *counsellor must consider whether release of information to a birth relative is desirable*.

The counsellor should ensure that the applicant understands the task the counsellor is performing. It may be helpful to provide the applicant with a copy of Section 97 of the *Adoption Act 1984*.

The counsellor should discuss any concerns about releasing information with the birth relative. If, after discussion, there are substantive concerns about the release of information, the counsellor should inform the applicant that information is not to be released. The reasons for not releasing information to which the birth relative would be entitled, must be clearly conveyed to the applicant and recorded. The counsellor should inform the applicant of the right to appeal.

Note: The *Adoption Act 1984* does not require that a birth parent be informed before providing identifying information to a birth relative (provided the written consent of the adopted person has been obtained). Experience has shown that it is good practice to address the question of the birth parent's awareness of the inquiry and their current situation and feelings before outreach.

Recording of interview with birth relatives:

The Section 87 form for birth relatives includes a paragraph (7) about the use of discretion a full record should be made:

of the discussion with the applicant about the birth parents' awareness or otherwise of the application, and

of any relevant developments following the interview.

Counsellors should provide opportunities for discussion of the following issues regarding the situation of the birth parent:

- Is the applicant in touch with the birth parent and aware of her or his current circumstances?
- Is the birth parent aware of the application?

- If the birth parent is aware, what are their feelings about the application?
- If the birth parent is not aware of the application, explore the reasons for not informing them.
- If the applicant is under 18 it is desirable that the consent of the birth parent is sought, but this is not required by the Act.

Common reasons for relatives not informing the birth parent:

- a wish to protect birth parent from pain of rejection
- had not thought of telling her or him
- not realised that birth parent may have strong feelings about someone else enquiring
- relationship with the birth parent may be difficult
- had not understood how the adopted person might feel if they find themselves involved in family feuds or tensions.

After these questions are explored, birth relatives often inform the birth parent. The birth parent may then make their own application or become indirectly involved by giving and receiving information through the birth relative.

Note: The above standards and practice issues regarding birth relatives refer to the birth parent to whom the birth relative is related. They do not imply that a birth mother should be informed of the application by a relative of a birth father or vice versa. It may happen that the adopted person to whom outreach is made will later contact the other birth parent.

Release of Records

The *Adoption Act* 1984 entitles birth relatives to *non-identifying* information from which the whereabouts of the adopted person cannot be ascertained, without conditions. S97.

Identifying information is subject to all the restrictions applying to information for birth parents, and the agency also must not give the information unless it is *satisfied that circumstances exist which make it desirable so to do*. See discussion of discretion in section on the mandatory interview with birth relatives.

The non-identifying information, which should be provided to birth relatives, is similar in content to that described for birth parents.

If birth relatives seek current non-identifying information, the practice is to approach the adopted person and give this information only with the consent of the adopted person.

Note: The current circumstances of the birth parent, usually the birth mother, and whether she is aware of the application need consideration. See discussion of Birth relatives in Mandatory Interview chapter.