



Intercountry known non-relative adoption

This document explains what known non-relative adoption means and the general principles and process that applies to these adoptions. This process differs from that of relative and ad hoc intercountry adoption applications. For more information on these processes, refer to the Intercountry adoption relative child and Intercountry adoption ad hoc requests policy papers.

What is known non-relative child adoption?

Known non-relative adoption refers to the adoption of a child who is known but not biologically related to the prospective adoptive parents.

Australian central authorities' view

There are five general principles for intercountry known non-relative adoption in Australia.

1. The purpose of an adoption is to provide for a child's long term care, wellbeing and development by creating a permanent parent/child relationship.
2. As a signatory to the Hague Convention on Protection of Child and Cooperation in Respect to Intercountry Adoption, Australia is committed to establishing safeguards to ensure that intercountry adoptions, in all forms, take place in the best interests of the child.
3. Intercountry adoption by a known non-relative in Australia may provide a permanent placement option for a child in limited circumstances where it can be demonstrated that placement with a specific family would be in the child's best interests.
4. Independently arranged adoptions where prospective adoptive parents identify specific children they wish to adopt in overseas countries are not supported as they are not consistent with the principles of the Hague Convention.
5. Australian state and territory central authorities may only facilitate intercountry known non-relative child adoptions where it is consistent with the relevant state or territory legislation.

Who can I speak to about known non-relative child adoption?

State and territory central authorities are responsible for the consideration and facilitation of individual adoption cases. Specific enquiries about intercountry known non-relative child adoption should be discussed with the relevant state or territory central authority, including whether any other options may be available.

Prospective adoptive children and parents must be assessed by their relevant central authority. Where an intercountry known non-relative child adoption is not arranged through the relevant central authority, there is a significant risk that the child will not meet Australian immigration requirements and, therefore, be unable to enter Australia.

What are the requirements for known non-relative adoptions?

In states or territories where known non-relative adoptions are permitted, applications will only be considered where it can be demonstrated:

1. The overseas adoption authorities have determined the child is legally able to be adopted and placement with known non-relative Australian prospective adoptive parents would be in the child's best interests.
2. A request to assess the Australian prospective adoptive parents has been received from the overseas adoption authorities.
3. There is a substantive, pre-existing relationship between the child and the prospective adoptive parents.
4. The prospective adoptive parents are not pursuing a known non-relative adoption to circumvent Australia's intercountry adoption processes.

How does the known non-relative adoption process work?

As a starting point, contact the relevant authority in the country where the child lives and request they conduct an assessment of the child for adoption. Generally, the following process will then apply:

1. The overseas authority must determine whether the child is legally able to be adopted and, if so, whether intercountry known non-relative adoption is in the child's best interests. State and territory central authorities will not contact an overseas central authority to request an assessment of a child for a known non-relative adoption.
2. If satisfied the child is legally able to be adopted and intercountry known non-relative adoption is in the child's best interests, the overseas authority will provide the relevant Australian state or territory central authority with a report on the child's circumstances, and a request for the child to be adopted by the known prospective adoptive parents.
3. When the Australian state or territory central authority receives the request, will determine if the request complies with the standards and principles of the Hague Convention (with assistance from the Australian Central Authority where necessary) and whether the adoption would be in accordance with state or territory law.

4. The Australian state or territory central authority will give consideration as to whether the child's proposed adoption by parents in Australia is likely to be able to be progressed before the child attains 18 years of age and will advise the overseas authority.
5. If an adoption placement is being considered for the child, the Australian state or territory central authority will complete an assessment report on the prospective adoptive parents to determine their eligibility and suitability to adopt the child under state or territory law. If the prospective adoptive parents are approved as suitable to adopt, the assessment report is sent to the overseas authority.
6. The overseas authority will determine whether the proposed adoption placement is in the child's best interests.
7. If the adoption placement is judged to be in the child's best interests, the overseas authority and the state or territory central authority will agree to facilitate the adoption. The overseas authority is responsible for ensuring the necessary consents for the child's adoption are obtained.

How does the known non-relative adoption process work?

Demonstrated relationship with child

Known non-relative adoptions may only be considered where there is a demonstrated relationship between the child and prospective adoptive parents (for example where the prospective adoptive parents have a relationship with the child's family or have previously been entrusted with caring for the child). This does not include situations where prospective adoptive parents wish to specify the overseas child they wish to adopt (for example, a child met while volunteering at an overseas orphanage, or a friend of a previously adopted child).

Circumvention of Hague Convention compliant adoption procedures

The Hague Convention prevents any contact between prospective adoptive parents and children in need of intercountry adoption until certain requirements are met. This is to ensure the adoption is arranged in the best interests of the child and to prevent inappropriate or illegal practices before the matching of children with prospective adoptive parents. Matching should only be conducted by professionals and based on the needs of the child with the qualities of the adoptive parents. Prospective adoptive parents must not self-select children to adopt in order to circumvent the process and waiting times of Australia's Hague Convention compliant processes.