

## Information for adults who were adopted in Queensland and are thinking of searching for birth relatives

### **To search or not to search**

Everyone's experience of adoption is different as are their reasons for obtaining more information and tracing. Curiosity about origins may begin in childhood and, for some people, persists long into adulthood. Often adopted adults will have considered the possibility of tracing a birth parent long before making any inquiries. This preoccupation is often not discussed for fear that it may arouse feelings of anxiety or judgement. The decision not to intrude on birth parents or stir up feelings from the past is often expressed, as is the wish not to appear disloyal to adoptive parents. We are often impressed by the sensitivity which adopted people show towards both their birthparents and adoptive parents.

Often curiosity turns to action at particular times in adult life, for example, after leaving home, getting married, the birth of a child or the death of a parent. However, this may be short-lived and with many people the search is taken up and dropped several times before reaching any conclusion.

Searching needs to be seen as a step-by-step process which, for many people, can be quite quick and, for some, long and frustrating. It is important that you decide your own pace and allow yourself time to absorb new information and assimilate new feelings.

### **How do I find out about my birth parents?**

For people adopted in Queensland, the *Adoption Act of 2009* provides all adopted people and birth parents the right to obtain identifying information about each other once the adopted person is 18 years of age. This applies to adoptions which occurred before and after 1 June 1991.

Once you are 18 years of age, you can apply to Adoption Services Queensland (ASQ), Department of Communities, Child Safety, to request information about your birth and adoption. ASQ will conduct a search of the adoption records it holds and review your eligibility to receive information it may have on file. ASQ will also search its records to see if any contact statements (see below) have been filed by people involved in your adoption. A contact statement can be lodged with ASQ by a person affected by adoption and can express their wishes regarding contact with other parties to the adoption.

ASQ will then prepare a letter containing information about your birth and adoption which will include identifying information (names) and non-identifying information (descriptive information such as appearance, occupation) from the information available in the adoption records. You will also be provided with a copy of prescribed documents which may include documents such as the consent form signed for your adoption or the order dispensing with consent and the adoption order.

ASQ carefully reviews all records to ensure that information is accurate before sending it to you in a letter. ASQ will discuss sensitive issues with you and will provide you with support from an Adoption Officer or will refer you to Post Adoption Support Queensland (PASQ).

ASQ can be contacted at:

Telephone: 07 3224 7415  
1800 647 983  
Website: [www.childsafety.qld.gov.au/adoption](http://www.childsafety.qld.gov.au/adoption)  
Email: [asq@communities.qld.gov.au](mailto:asq@communities.qld.gov.au)  
Mail: Adoption Services Queensland  
Department of Communities  
GPO Box 806  
Brisbane, QLD 4001

### **Non-identifying information**

You will be provided with all available non-identifying information when ASQ responds to your application for identifying information. However, if you have previously received only identifying information you can make a specific request just for non-identifying information.

Non-identifying information may include other information which was recorded at the time of your birth and adoption such as family social and medical history. Sources of information may be the hospital in which you were born or may have been directly provided by birth parents at the time their consent to the adoption was obtained. It can often be helpful to request all of your social and medical information prior to searching and making contact with your birth parents as it may give you some information about the reasons for your adoption and your birth parents' circumstances at the time of the adoption. It may also provide you with some information that might assist you with your search.

### **Contact statements**

A contact statement sets out a person's wishes regarding having contact with another party, or parties, to the same adoption that occurred in Queensland. For example, it may state that a person wishes for contact to happen only by telephone; or for in-person contact to happen only at a neutral place in the presence of a mediator; or the person's wish not to be contacted for any reason. There are important things to know about contact statements:

- Information and contact objections that were in place under the *Adoption of Children Act 1964*, prior to 1 February 2010 automatically became a contact statement expressing the person's request not to be contacted.
- These objections which are now contact statements expressing a wish for no contact do not have to be renewed.
- A contact statement remains in force until revoked by the person who lodged it, or until that person dies. However, a person can update, revoke or replace their contact statement at any time.
- A person can also use a contact statement to provide information about the person's reasons for not wanting to be contacted.

### **It is considered an offence to violate another person's wish not to be contacted**

Under the *Adoption Act 2009*, if the adoption occurred prior to 1 June 1991, it is considered an offence for a person to contact another person knowing that they have lodged a contact statement saying they do not want to be contacted. The maximum penalty is \$10,000 or imprisonment for 2 years.

Specifically, it is an offence to:

- Contact, or attempt to arrange contact, with the person directly.
- Procure someone else to contact or arrange contact with the person.
- Publish information that identifies the person as a party to an adoption.

### **Releasing identifying information**

ASQ will be able to release identifying information about a person who had an objection in place under the *Adoption of Children Act 1964* only after:

- An Adoption Officer has spoken to the person, in person or by telephone, to discuss the contact statement and to discuss the conditions of the contact statement.
- The person seeking information has signed a document that acknowledges he or she has been told the other party does not want to be contacted and it would be an offence to do so.

### **Court order restricting access**

The Children's Court can make an order preventing the release of someone's identifying information to another person, if doing so would pose an unacceptable risk of harm. For example, if a person who is seeking identifying information is known to be violent, and previous comments or actions suggest he or she is likely to harm the other person. In such cases, an application can be made to the court for an order to prevent the release of the identifying information by ASQ. Please contact ASQ for more information. It is recommended that people seek independent legal advice for all court matters.

### **Searching options**

#### *The Registry of Births, Deaths and Marriages*

Once you have received identifying information and details of your birth from ASQ you will also receive authority to obtain a copy of your original birth certificate from the QLD Registry of Births, Deaths and Marriages although there is no legal necessity to do so. The certificate will be endorsed 'not to be used for official purposes' which means that it cannot be used as a document of identification.

You may be able to apply for the result of a marriage search for your birth mother and, if specifically requested, the registry will also search their records of deaths. If your birth mother married you will receive a notice with her marriage details.

There is an additional fee for searches conducted by and certificates provided by the Registry of Births, Deaths and Marriages. You can contact the Registry at:

Registry of Births, Deaths and Marriages  
Department of Justice and Attorney-General  
110 George Street, Brisbane QLD 4000  
(Office hours: 8.30am-4.30pm Monday-Friday)

Postal address: PO Box 15188, City East QLD 4002  
Telephone: 1300 366 430 (within Australia) and 61 7 3247 5811 (international)  
Web address: <http://www.justice.qld.gov.au/bdm.htm>  
Email: [bdm-mail@justice.qld.gov.au](mailto:bdm-mail@justice.qld.gov.au)

### ***Electoral Rolls***

Once you are sure of any change of name for your birth mother or other birth relatives, you can search for their current address by way of an Australia-wide Electoral Roll search. You can only conduct an Australia-wide search at one of the main Electoral offices. A list of these

offices can be found on the Australian Electoral Commission's website: [http://www.aec.gov.au/About\\_Aec/Contact\\_the\\_AEC/](http://www.aec.gov.au/About_Aec/Contact_the_AEC/)

Australia-wide information can be researched at the Family History section of each state's State Library.

### **Expressing your interest for contact**

If you have not been able to find your birth relatives, you can state your interest for contact in your application for adoption information or by lodging a contact statement with ASQ. If a birth relative has applied for adoption information in the past or applies for information in the future, they will be informed of your contact statement and last known contact details by ASQ.

Alternatively, ASQ also operates the Mailbox Service which allows you to write to your birth relatives and for this correspondence to be facilitated by ASQ. If one of your relatives has previously contacted ASQ or contacts ASQ in the future they will be able to receive your letter. The same works in reverse if you have a birth relative who would like to contact you.

### **How do I make contact?**

If after searching you are able to locate a birth relative you may then wish to make contact with them. We strongly recommend that you make first contact with a birth relative by using the services of an intermediary such as PASQ or by writing a letter rather than making direct contact yourself. This provides the person who is being approached with an opportunity to consider the request for contact and think about their response, rather than having to respond immediately and limits the risk of a negative reaction to unwanted contact. It is at this point that adopted people often talk with an experienced counsellor about the various ways of making contact and the pros and cons of each. You may wish to read Information Sheet 10 *Writing to a Birth Mother* to assist in your decision making.

Some adopted people also feel concerned about the reaction of their adoptive parents who, quite understandably, can experience some strong conflicting emotions when their son or daughter decides to search for a birth parent, even if theoretically they can understand the need to do this. The kinds of feelings that adoptive parents describe include fear, anger, sorrow, jealousy, betrayal, guilt and a sense of failure; these emotions quite frequently coexist with feelings of sympathy, interest, relief and a sense of achievement. It may be helpful for your adoptive parents to read Information Sheet 3c *Information for adoptive parents: Is your adult son or daughter adopted in QLD thinking of searching for birth parents?*

### **Should I use an intermediary?**

PASQ has an intermediary service which offers supportive counselling for both parties. Ask for further details if you are interested.

Whatever method of approach you choose it is important that you give yourself time to consider your own hopes and expectations and that you allow the person you are approaching time to consider their response.

You may find Information Sheet 32 *Intermediary Service* helpful in deciding how to go about making contact. The Benevolent Society's Post Adoption Resource Centre undertook a piece of research in 2000 entitled *At Least Now I Know* about the experiences of people who have made contact. You can borrow this from PARC's library or you can purchase it from our bookshop. A summary from the results of the research showed that those people who contacted their birth relative indirectly either through an intermediary or by writing a letter were generally more successful in their reunion experience. It is generally a good idea to take things slowly and consider the situation from all different points of view.

## Getting help

The experience of some adults who were adopted is that they have not been able to discuss their feelings with anyone for fear that they may be misunderstood or their motives misconstrued. The opportunity to hear other people's experiences, to discuss things individually with a counsellor or in a group with other people who share a common interest can be very helpful and supportive. These are all services that The Benevolent Society offers through PASQ. The organisation is not involved in searching, other than for people who are isolated or have a disability, but can give advice on steps to take and provide support at various anxious stages along the way.

On the following page is a flow chart of the basic steps that need to be undertaken in searching for a birth relative. If your search is not straightforward and you cannot find your birth relatives using the steps outlined in this Information Sheet, then you can contact the Salvation Army Special Search Service who may be able to assist you further with your search. Their contact details are:

Salvation Army Family Tracing Service - Queensland  
Mailing address: GPO Box 2210, Brisbane, QLD 4001  
Telephone: 07 3222 6661  
Qld Post Adoption: 07 3222 6663

## Medical information

- ASQ will provide you with all available information contained within the adoption records about your family's medical history when you receive adoption information. The amount of information recorded at the time of birth or adoption is often very limited.
- ASQ is now able to contact an adopted person's birth parent or other biological relative and respectfully request them to provide up-to-date family medical information.
- A birth parent may also provide ASQ with medical information to be passed onto the person's son or daughter who was adopted. ASQ will be able to contact the adopted person to see if he or she would like to receive the information.
- ASQ is able to approach people regardless of whether a contact statement prevents these people from asking for, or providing, the information themselves.
- ASQ may give medical information to a nominated medical practitioner, instead of directly to the person, if requested.
- Birth parents and adopted people will not be obliged to provide, or to accept, medical information if they do not wish to do so.

## FREQUENTLY ASKED QUESTIONS

### ***What about other adopted siblings?***

If you have any other siblings who were also adopted in Queensland you will be advised at the time when you apply for adoption information. If they are over 18 when you apply for your adoption information, you will also be provided with their identifying information which will give you their adopted name. When you receive your non-identifying information you may also receive some non-identifying information about any siblings who were also adopted.

### ***What about siblings who were not adopted?***

A sibling who was not adopted may apply for information about the adopted person. ASQ will provide this information if the adopted person has given ASQ permission in writing for the information to be released. There is an opportunity to provide this permission when you apply for adoption information.

Information cannot be given to the sibling if the adoption occurred before 1 June 1991 and the birth parent(s) of the adopted person has(ve) made a contact statement indicating that they do not want to be contacted by the adopted person. This includes an objection lodged under the *Adoption of Children Act 1964* which transitioned into a contact statement under the new Act. The contact statement remains in effect as long as the person is alive or until it is revoked by the birth parent.

### ***What about birth fathers?***

A man is recognised as an adopted person's birth father if:

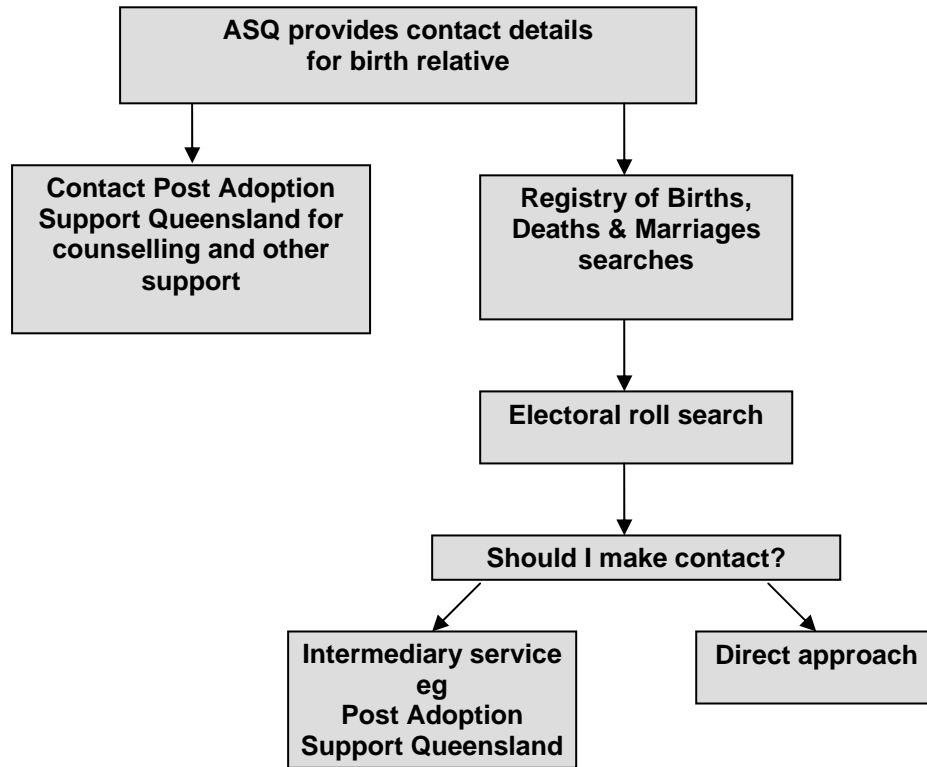
- He consented to the adoption or the need for his consent was dispensed with.
- He is recorded on the birth certificate as the person's father.
- ASQ's records demonstrate he accepted paternity of the adopted person before or at the time of the adoption.
- There is otherwise sufficient evidence to satisfy ASQ that the man is the adopted person's biological father.

This will enable adoption information to be provided to birth fathers about their son or daughter who was adopted and about birth fathers to the adopted person in more circumstances than under the current adoption law.

### ***Can I get my birth father's name?***

If your birth father meets the above criteria then you will receive identifying and non-identifying information about him which was recorded at the time of the adoption. More usually in the past birth fathers were not included in the adoption process. In many situations the birth father's full name is not recorded; in these cases usually the only person who can provide the birth father's name is the birth mother.

## FLOW CHART



Please phone us if you wish to talk further about any issues raised in this information sheet.

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West End QLD 4101  
T 07 3170 4600 or 1300 914 819  
F 07 3255 2953  
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[www.bensoc.org.au](http://www.bensoc.org.au)