



*Adoption Act 2009*

# **Adoption Regulation 2020**

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## Queensland

# Adoption Regulation 2020

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# Adoption Regulation 2020

## Part 1 Preliminary

### 1 Short title

This regulation may be cited as the *Adoption Regulation 2020*.

## Part 2 Requirements about consent to adoption

### 2 Requirement for sighting documents relating to proof of parent's identity—Act, s 18

For section 18(2)(c) of the Act, the documents prescribed are the relevant identity documents under section 9 for the parent.

## Part 3 Making expressions of interest

### 3 Other requirements for expressing an interest—Act, s 71

For section 71(1) of the Act, this part states the requirements with which a person must comply when expressing an interest under part 4, division 2 of the Act.

### 4 Requirement to demonstrate ability to provide personal care

- (1) The person must demonstrate the person is aware it is ordinarily in a child's best interests to receive full-time care—
  - (a) provided personally by—
    - (i) the person with whom the child is placed; or

- (ii) if the child is placed with a person and the person's spouse—the person or spouse; and
- (b) for at least 1 year after the child is placed in the care of a person mentioned in paragraph (a).
- (2) The person must give the chief executive details of the person's proposed, or expected, arrangements for the care of a child for at least the first year of the child's placement with the person.

## **5 Requirement to demonstrate financial capacity for intercountry adoption process**

- (1) This section applies if the person expresses an interest relating to an intercountry adoption.
- (2) The person must demonstrate the person has the financial capacity to meet the full cost of completing the adoption process within 3 years after the day the expression of interest is made.
- (3) For subsection (2), the full cost of completing the adoption process may include the following—
  - (a) fees as prescribed in schedule 2;
  - (b) fees payable in another country to an entity associated with the adoption;
  - (c) fees payable in relation to a child's migration to Australia;
  - (d) costs related to the translation of documents;
  - (e) costs of having documents notarised and couriered between countries;
  - (f) costs of travel to, and accommodation in, another country to take custody of a child.
- (4) If the person makes the expression of interest jointly with the person's spouse, the person and the spouse may demonstrate joint financial capacity for subsection (2).

## Part 4                      **Assessment of prospective adoptive parents**

### **6            Other matters for deciding suitability of step-parent—Act, s 133**

- (1) This section applies in relation to an assessment, under part 6 of the Act, of a person (a *step-parent*) who applies to arrange an adoption of a child of the person's spouse after a parent of the child dies.
- (2) For section 133 of the Act, the other matters prescribed are—
  - (a) if the family of the deceased parent can be located at the time of the proposed adoption—the family's views about the adoption; and
  - (b) the step-parent's attitudes to, and understanding of, the significance to the child of—
    - (i) the deceased parent; and
    - (ii) the deceased parent's family; and
    - (iii) maintaining a relationship with the deceased parent's family.

## Part 5                      **Access to adoption information**

### **7            Documents to be produced for making request for information—Act, s 254**

For section 254(1)(b) of the Act, the documents prescribed are the relevant identity documents under section 10 for the person.

## **8 Documents to be produced for notice of intention to take part in mailbox service—Act, s 283**

For section 283(1)(b) of the Act, the documents prescribed are the relevant identity documents under section 10 for the person.

# **Part 6 Relevant identity documents**

## **9 What are *relevant identity documents* for parents**

(1) The *relevant identity documents*, for the witnessing of a parent's consent under section 18 of the Act, are—

- (a) 2 documents that are either—
  - (i) a document mentioned in schedule 1; or
  - (ii) another document the witness considers provides sufficient evidence of the parent's proof of identity; and
- (b) if the parent's full name appearing on either of the 2 documents is different from the parent's current name—a document the witness considers provides sufficient evidence of the parent's change of name.

*Examples of a document for paragraph (b)—*

a marriage certificate, deed poll or change of name certificate

(2) However, the documents are relevant identity documents only if they comply with the requirements under section 11.

## **10 What are *relevant identity documents* for particular persons**

(1) The *relevant identity documents*, for a person making a request under section 254 of the Act or giving a notice under section 283 of the Act, are—

- (a) 2 documents that are either—

- (i) a document mentioned in schedule 1; or
  - (ii) another document the chief executive considers provides sufficient evidence of the person's identity; and
- (b) if the person's full name appearing on either of the 2 documents is different from the person's current name—a document the chief executive considers provides sufficient evidence of the person's change of name.

*Examples of a document for paragraph (b)—*

a marriage certificate, deed poll or change of name certificate

- (2) However, the documents are relevant identity documents only if they comply with the requirements under section 11.

## 11 Requirements for relevant identity documents

- (1) For sections 9(2) and 10(2), the requirements are as follows—
- (a) each document must be an original document or a certified copy of an original document;
  - (b) each document must be—
    - (i) written in English; or
    - (ii) accompanied by a certified translation of the original document;
  - (c) the documents must, between them, contain information sufficient to determine the person's current full name, date of birth and signature.
- (2) In this section—

***certified copy***, of an original document, means a copy of the document certified by a qualified witness as being a true copy of the original document.

***certified translation***, of a document written in a language other than English, means a translation of the document into English by a translator whose certification states—

- (a) that the translation is correct; and
- (b) the following details for the translator—
  - (i) the translator's full name and address;
  - (ii) the translator's accreditation or qualifications for making the translation.

***qualified witness*** means any of the following persons—

- (a) an authorised person within the meaning of section 18 of the Act;
- (b) a commissioner for declarations;
- (c) a justice of the peace;
- (d) a lawyer or notary public;
- (e) a medical practitioner;
- (f) a police officer;
- (g) a public service employee employed in the department.

## **Part 7                      Fees**

### **12              Fees**

The fees payable under the Act are stated in schedule 2.

### **13              Joint assessment of couples**

For the purpose of paying a fee prescribed in schedule 2, item 2, a couple is to be charged as a single person and not as 2 persons.

## Part 8 Miscellaneous

### 14 Entitlement to authorisation to obtain certificate, information or source document—Act, s 290

- (1) For section 290(1)(c) of the Act, the following persons are prescribed—
- (a) if a guardian has been appointed for a relevant person—the guardian;
  - (b) if an administrator has been appointed under the *Guardianship and Administration Act 2000*, section 14 for a relevant person—the administrator;
  - (c) if a relevant person has died and a personal representative has been appointed for the relevant person's estate—the personal representative.
- (2) In this section—
- relevant person** means a person mentioned in section 290(1)(a) or (b) of the Act.

### 15 Other matter for evidentiary certificate—Act, s 312

For section 312(3)(i) of the Act, the matter prescribed is that the chief executive placed a stated child in the custody of stated prospective adoptive parents on a stated day.

## Part 9 Repeal and transitional provision

### 16 Repeal

The Adoption Regulation 2009, SL No. 303 is repealed.

## **17      References to repealed regulation**

A reference in a document to the repealed *Adoption Regulation 2009* may, if the context permits, be taken to be a reference to this regulation.

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## Schedule 1      Relevant identity documents

sections 9(1)(a)(i) and 10(1)(a)(i)

- 1    a birth certificate
- 2    a citizenship certificate
- 3    an Australian passport that is current or has been expired for less than 2 years
- 4    a current overseas passport
- 5    a current driver licence containing the person's photograph
- 6    a current photo identification card under the *Photo Identification Card Act 2008* (including a current adult proof of age card that continues in force under that Act as a photo identification card) or a corresponding card under the law of another jurisdiction
- 7    a current document evidencing the person's residency or visa status
- 8    a current Medicare card, pensioner concession card, health care card or another identification card issued by the Australian government as evidence of a person's entitlement to a benefit
- 9    a current working with children clearance issued under the *Working with Children (Risk Management and Screening) Act 2000*
- 10   a current credit card, debit card or other account card from a financial institution that includes an embossed name and signature
- 11   a passbook or statement of account from a financial institution that is not more than 1 year old
- 12   a telephone, gas or electricity account that is not more than 1 year old
- 13   a rates notice from a local government that is not more than 1 year old

Schedule 1

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- 14 a current student identity card containing the person's photograph or signature issued by a school or another educational institution
- 15 a Queensland Government employee identity card containing the person's photograph
- 16 an Australian State police officer, Federal police officer or Australian Defence Force identity card containing the person's photograph
- 17 a current licence under the *Security Providers Act 1993* to carry out the functions of a crowd controller, private investigator or security officer
- 18 a current licence issued under the *Weapons Act 1990*

## Schedule 2      Fees

### section 12

	<b>Fee units</b>
1    Fee for an application under section 92 of the Act (Act, s 93(c))	88.90
2    Fee for an assessment under part 6 of the Act, other than a reassessment under part 6, division 8 of the Act (Act, s 112)—	
(a) for an assessment requiring a decision under section 105 of the Act—	
(i) for a person being, or to be, assessed for suitability to be an adoptive parent according to the likely need for local adoptions	722.00
(ii) for a person being, or to be, assessed for suitability to be an adoptive parent according to the likely need for intercountry adoptions	5,186.05
(b) for an assessment requiring a decision under section 106 of the Act	nil
(c) for an assessment requiring a decision under section 107 of the Act	666.80
3    Fee for supervision of a child (Act, s 198(3) or 298(3))	2,222.65