

OOHC Open Adoption Process Overview (NGO Case Managed)

Where the child is case managed by an NGO and DCJ is preparing the adoption application

Pre-Enquiry Stage

Identify children who may benefit from adoption

- CW and Manager notify the PC when adoption is being considered as the permanency option for a child in care. Where the child is Aboriginal, an Aboriginal consultant is to be included.

Hold a workers meeting to discuss the child's needs and suitability for adoption

- AC, PC, CW and Manager meet to review and complete Life Story Work, cultural consultation and planning, family and community connection (including family time), discussion around the family's views and wishes, identity of the birth father, genealogy and child's citizenship.
- CW and PC identify outstanding casework tasks, timeframes and responsibility for completing them. Determine who will be responsible for contacting and liaising with the carers, child and parents during the adoption process.

Meet with the carers and child to discuss the open adoption process and seek their views

- After confirming the carer's interest in adoption, CW and AC discuss the open adoption process with the carers and child and seek their views. Provide carers with factsheets and information about adoption, and the child (12 years +) with the MWI.
- AC refers the carers to the Preparation for OOHC Adoption Seminar.

Meet with the parents/family to discuss the open adoption process and seek their views

- AC and CW discuss with the parents/family that open adoption is being considered for their child, explain the adoption process and legal implications. Using family-led decision making, seek parent/family views and encourage participation.
- Provide parents with the MWI and adoption information including the development of Adoption Plans, counselling they will receive, and Legal Aid NSW contact information.

Conduct a Review Consultation

- AC, CW and Managers review the progress of casework tasks and merit to progress to Enquiry. If the review is to consider and approve the recommendation to change the case plan goal to adoption, the PC holds a Permanency Consultation (in line with district processes) with the AC, CW, Manager and DCJ delegated decision maker. For Aboriginal children an Aboriginal consultation must occur.
- Note: Approving the decision to change the case plan goal to adoption also provides approval to invite the carers to adopt.
- For Aboriginal children, a group supervision must be held with the OSP. The DCS is the delegate who approves the decision to change the case plan goal to adoption. For non-Aboriginal children, the CFDU MCW is the delegate who approves the decision to change the case plan goal to adoption.

Hold a case planning meeting and update the case plan goal

- AC and CW organise a case planning meeting with the child (if age-appropriate), family and significant others, carers, PC and Managers to discuss the proposed case plan goal change. Before the meeting, CW meets with the parents/family to explain the purpose and expected outcome of the meeting, encourage them to participate, and provide them with the MWI (if not already provided).
- CW requests a change in case plan goal in line with the PCMP and District process, and prepares and submits a new OOHC case plan with a goal of 'Adoption' in ChildStory. DCJ Manager approves the case plan and the relevant Permanency Support Program package.

Complete required casework tasks before moving to Enquiry stage

- CW completes casework tasks and ensures all Aboriginal children have a current and meaningful cultural plan before proceeding to Enquiry Stage.

Approval to progress to Enquiry stage

- When the DCJ delegate approves the decision to change the case plan goal to Adoption, the AC end-dates the Pre-Enquiry stage.

Enquiry Stage

Formally invite the carers to apply for adoption

- CW provides the formal invitation letter and application package (prepared by the AC) to the carers.
- CW and AC support the carers to complete the application and required medical and probity checks.

Review the carer's application and complete checks

- AC reviews the carer's application, completes the probity and referee checks, and submits the suitability checks form for approval.

Refer to an assessor and complete any outstanding casework tasks

- CW updates and sends the child's OOHC files to the AC in preparation for the adoption assessment.
- CW and AC complete a referral to the preferred assessor requesting a quote for the adoption assessment, court report and adoption plan. For Aboriginal and CALD children, a cultural lens is applied over the assessment process and cultural considerations are given.

Approval to progress to the Under Assessment stage

- When the OAPS Manager approves the suitability checks form and commencement of adoption, the AC end-dates the Enquiry stage.

Under Assessment Stage

Notify the carers and parents of the decision to start the adoption assessment

- CW and AC contact the carers and parents to advise them of the decision to start the adoption assessment, introduce the name of the assessor and provide estimated timeframes for when the assessor will be in contact and commence the interview process.
- CW ensures the child's files are up to date and the AC organises for the assessor to access the files for review.

Complete the adoption assessment and draft adoption plan

- Assessor reviews all files, completes the OOHC open adoption assessment report and drafts the adoption plan. CW supports the assessor during this process as required.
- Note: Aboriginal children 12 years + who have capacity to give sole consent, should receive adoption counselling as required by s.64/s.65 at the time the adoption plan is being developed to ensure they are provided with a cultural perspective on adoption.
- AC reviews the assessment report and draft adoption plan and progresses to the DCJ and NGO managers for endorsement.

Submit the briefing note (BN) for approval

- AC drafts the BN seeking approval from the DCJ delegate to commence adoption action, approve the carer's suitability to adopt, and obtain Minister's consent (where the child is under 12 years or is otherwise unable to consent).
- The Aboriginal Outcomes team and OSP review and endorse the BN, cultural plan and attachments for Aboriginal children.
- For Aboriginal children, approval and Minister's consent is delegated to DCJ Secretary. For non-Aboriginal children, approval is delegated to the DCS and Minister's consent to the EDD.
- AC submits any out-of-guidelines (OOG) financial requests in a separate BN for approval.
- Note: After the BN is approved, a Case Conference is held to discuss the approved recommendation and next steps. There may be some cases where a case conference is required before the BN is submitted and approved.

Approval to progress to Adoption Approved stage

- When the DCJ delegate approves the BN, the AC end-dates the Under Assessment stage and submits for approval.

➤ Assessment recommendation NOT to proceed to adoption – see end notes

Adoption Approved Stage

Hold an Adoption Case Conference to discuss the approved recommendation and next steps

- CW and AC organise an adoption case conference with the assessor, NGO Manager, CFDU and DCJ Adoption Managers, child, carers, parents/family and any other relevant party, to discuss the approved assessment recommendation to proceed with the adoption and commence legal action, provisions in the draft adoption plan, consent, outstanding casework tasks, and the assessor's next steps.
- When inviting the carers and parents/family, advise them of the approved decision to progress the adoption and attach a redacted copy of the assessment report and draft adoption plan.
- CW to provide the carers and parents with the DCJ delegate's signed approval letter (prepared by the AC) following the conference.

Complete the s.91 Court Report and adoption plan

- CW collates all updated files and records since the adoption assessment for the assessor to review as part of the s.91 court report. Assessor reviews all recent casework material and interviews relevant parties to complete the s.91 court report and adoption plan.
- AC reviews the court report and adoption plan, sends to DCJ Legal / CSO for review, then obtains signatures from all relevant parties.

Complete the referral to the OOHC Adoption Team

- CW updates the child's files with copies of new casework material since the Court Report (including reports from day care/preschool/ school/doctor/specialist), and provides originals to the AC for the OOHC adoption file.
- AC completes the handover to the DCJ Paralegal team and CW initiates the victims' of crime compensation referral.

Obtain adoption consents from required parties

- CW consults with AC before obtaining consent. AC consults with the delegate to witness the consent.
- Note: Consenting parents/guardians and children must be given the MWI and attend registered counselling. Parents/guardians of Aboriginal children must also be offered s64/65 Aboriginal or Torres Strait Islander Adoption Counselling in addition to the registered counselling.

Complete the referee nomination form and probity checks

- Carers complete the referee nomination form in preparation for the referee affidavits.
- CW and AC complete the WWCC, National Police Check and other probity checks for carers and all household members (aged 16 years +).

Complete the required documents and affidavits for the court application and manage any requisitions

- Paralegal prepares the court application, finalises and seeks signatures for the adoption plan and court report, and provides a copy (redacted where necessary) of the signed adoption plan to the carers, child and parents/family.
- Paralegal files the court application with the Supreme Court and finalises the referral to Victim Services.

Approval to progress to Pending Court Outcome stage

- When the Paralegal files the court application with the Supreme Court, the Paralegal end-dates the Adoption Approved stage.

Pending Court Outcome Stage

File the Referee and Proposed Adoptive Parent (PAP) affidavits

- Paralegal ensures the Referee and PAP affidavits are correctly signed, witnessed and filed at the Supreme Court.

Notify parties that the application has been filed and serve the parents with Notice

- Paralegal and AC advise all parties that the application has been filed. Paralegal/CSO prepares and serves parents with written notice.
- Paralegal notifies CW and carers when the application has been referred to a judge and confirms the court hearing date.

Manage requisitions from the Court and contested adoptions

- OAPS liaises directly with the CSO to manage requisitions and contested adoption matters. CW supports OAPS as required.

Complete the Pending Court Outcome stage

- When the adoption order is made, the Paralegal end-dates the Pending Court Outcome stage.

Court Decision Stage

Notify relevant parties of the court outcome and update the child's records in ChildStory

- Paralegal notifies the AC, CW, child, carers and parents/family of the court outcome and prepares written confirmation and relevant resources to the carers and parents.
- Paralegal updates ChildStory legal records and completes the handover to the AC to commence the Post Order Made tasks.
- Paralegal sends the child's OOHC and adoption files to the Government Records Repository to be archived.

Complete Post Order Made tasks

- CW and AC notify relevant parties including Managers, Health, Education, NSW Trustee and Guardian, and NDIS (where required) that the adoption order has been made.
- AC ensures ChildStory updates include the child's details and placement, financials and allowance.
- CW provides any agreed or court-ordered post-order support to the carers and child.

➤ Assessment recommendation not to proceed with adoption

Hold a worker's meeting

- CW and AC hold a meeting with the assessor, NGO Manager, CFDU MCW/MCS, DCJ Adoption Manager, and PC to discuss the assessment outcome, determine if additional work is needed to resolve any issues, and consider the child's future permanency goal.

Hold a case conference with the carers to discuss the assessment outcome

- CW and AC organise a case conference with the carers, assessor, NGO Manager, CFDU MCW/MCS and DCJ Adoption Manager. Before the meeting, provide carers with an agenda and redacted copy of the assessment report. Determine whether the carers wish to respond to the raised issues before seeking a formal decision. Decide who will be responsible for advising the child and parents/family of the outcome. In complex cases it is recommended that the DCS and NGO Principal Officer attend the meeting.
- Note: The decision to decline the adoption is reviewable and the carers have the opportunity to request an internal review.

Submit a briefing note (BN) for approval

- AC drafts a BN seeking approval from the DCJ delegate to decline the adoption. For Aboriginal children, the delegate is the Secretary.

Notify the carers, child and parents of the approved assessment outcome to decline the adoption

- CW advises the carers, child and parents/family of the DCJ delegate's decision to decline the adoption, and provides them with the signed decision letter and redacted copy of the assessment report.

AC files down the adoption application and archives the OOHC adoption file

KEY • AC = OAPS Adoption Caseworker • ACMP = Aboriginal Case Management Policy • BN = Briefing Note • CALD = Culturally and Linguistically Diverse • CFDU = Child & Family District Unit • CW = NGO Caseworker • CSO = Crown Solicitors Office • CW = DCJ Caseworker • DCJ = Department of Communities and Justice • DCS = Director Community Services • EDD = Executive District Director • MCS = Manager Client Services • MCW = Manager Casework • MWI = Mandatory Written Information • NGO = Non-Government Organisation • OAPS = DCJ Open Adoption & Permanency Services • OOG = Out of Guidelines • OOHC = Out of Home Care • OSP = Office of the Senior Practitioner • PAP = Proposed Adoptive Parent • PC = Permanency Coordinator • WWCC = Working With Children Check • PCMP = Permanency Case Management Policy •