

FACTSHEET:

Integrated Birth Certificates for adopted people



The *Adoption Legislation Amendment (Integrated Birth Certificates) Act 2020* has now amended the *Adoption Act 2000* and the *Births, Deaths and Marriages Registration Act 1995* (BDM Act) to enable an Integrated Birth Certificate (IBC) to be issued to adopted persons in New South Wales (NSW).

Prior to this legislative amendment, in NSW, following an adoption, the adopted person was only issued with a post-adoptive birth certificate. This records the adopted person's adoptive parents in place of that person's parents at birth.

The availability of an IBC for adopted people enhances modern open adoption practice in NSW. It supports a child's right to know their origins, may assist openness in the adoptive family and encourages ongoing relationships with birth families.

What is an IBC?

An IBC is a new form of birth certificate that includes information about an adopted person's parents and older siblings at birth, and their parents and siblings after adoption. An IBC is an official identity document.

From 16 November 2020, all adopted people in NSW will be automatically issued with both a post-adoptive birth certificate, and an IBC. The IBC will also be available retrospectively, which means an adopted person, or their family members who are entitled, can apply for an IBC for adoptions registered in NSW prior to this date.

As both birth certificates can be used for legal identification purposes, an adopted person can choose which birth certificate he or she may wish to use.

Will this change the status of an adoption?

No. Both the post-adoptive birth certificate and the IBC will clearly identify the adoptive parents as the legal parents of the adopted person, and the person's adopted name as their legal name.

Will more information be included on an IBC?

The IBC will include information about an adopted person's birth parents and birth siblings, as well as their adoptive parents and adoptive siblings. It will combine the information about the adopted person's birth family and adoptive family into one legal document.

The NSW Government acknowledges the impact of past forced adoption and removal practices, and that for some historical adoptions, information about an adopted person's birth family may not be available. Where the information is incomplete, Births Deaths & Marriages (BDM) will record a dash or unknown in the relevant fields on the certificate.

Is an IBC available if the adoption has already happened?

Yes. The IBC is available for adoptions that occurred prior to 16 November 2020. See below for details on how to apply.

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How much will the IBC cost?

There will be no additional cost for the issuance of an IBC at the time of adoption. A person who is issued a post-adoptive birth certificate with an IBC will only be required to pay the fee for one certificate.

A person applying for an IBC retrospectively will not be charged an additional fee, if they have already obtained a post-adoptive birth certificate, however they will need to provide evidence of the previous issue.

If a person is applying retrospectively for both a post-adoptive birth certificate and an IBC, only a single fee will be charged.

If a person wishes to apply for a subsequent IBC, for example if the IBC was lost or damaged, the issuing of a subsequent certificate will incur a fee. A fee waiver can be granted in certain circumstances. This will be assessed by BDM on a case-by-case basis.

For further details about fees, please visit: www.nsw.gov.au/family-and-relationships/births/certificates-and-searches-for-an-adoption

When can applications for an IBC be made?

The IBC will be available in NSW from 16 November 2020.

What is the process for applying for an IBC?

If a record of the adoption has been registered under the BDM Act, an application for an IBC can be made to BDM.

Depending on when the adoption occurred and the age of the adopted person, an authority from the Department of Communities and Justice's (DCJ) Adoption Information Unit (AIU) may be required.

The AIU's contact details are at the bottom of this fact sheet.

If an adoption was registered in or after 2010

Where the adopted person is over 18 years of age

Adopted persons: may apply directly to BDM for an IBC.

Birth Parents and Adoptive Parents may apply for the IBC directly from BDM.

Where the adopted person is under 18 years of age

Adopted persons: will need their adoptive parents to apply for their IBC or will need to provide BDM with their written consent. If it is not possible to gain their consent, please contact the AIU.

Birth Parents: will first need to obtain an Adoption Information Certificate (AIC) by completing the 'Application to obtain adoption information' which may be accessed from www.dcj.nsw.gov.au/children-and-families/adoption or by contacting the AIU.

Adoptive Parents may apply for the IBC directly from BDM.

If an adoption was registered before 2010

Where the adopted person is over 18 years of age

Adopted persons: will first need to obtain an AIC by completing the 'Application to obtain adoption information' which may be accessed from www.dcj.nsw.gov.au/children-and-families/adoption or by contacting the AIU.

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Adoptive Parents: will need the consent of the adopted person to obtain an IBC. In addition, they will need to obtain an AIC by completing the 'Application to obtain adoption information' which may be accessed from www.dcj.nsw.gov.au/children-and-families/adoption or by contacting the AIU.

Please note there is no need to apply again if a copy of either the Original Birth Certificate issued under the *Adoption Information Act 1990*, a Supply Authority or an AIC has already been obtained. A copy of one of these documents must be provided to BDM when applying for an IBC.

Where the adopted person is under 18 years of age

Adopted persons: will first need to obtain an Adoption Information Certificate (AIC) by completing the 'Application to obtain adoption information' which may be accessed from www.dcj.nsw.gov.au/children-and-families/adoption or by contacting the AIU.

Written consent from adoptive parents and birth parents is also required with the application to obtain adoption information. If it is not possible to obtain their consent, please contact the AIU.

Birth Parents and Adoptive Parents: will first need to obtain an AIC by completing the 'Application to obtain adoption information' which may be accessed from www.dcj.nsw.gov.au/children-and-families/adoption or by contacting the AIU.

What if a birth parent or adopted person is deceased?

A relative (grandparent, son, daughter, grandchild, brother, sister, aunt or uncle) of an adopted person or a spouse, de-facto or another person who had a close relationship with a now deceased birth parent or deceased adopted person, are able to apply to inherit the right to some adoption information that would have been available to them. This may include the adopted person's IBC. More information may be accessed at www.dcj.nsw.gov.au/children-and-families/adoption

Will an IBC be available if the adoption occurred outside of NSW?

The IBC is only available where the adoption order was made or registered in NSW. If the adoption happened outside of NSW, you will need to contact the relevant government department in the state or territory where the adoption order was made to discuss your access entitlements.

Will an IBC be available to intercountry adopted persons?

Yes, provided the adoption is registered under the BDM Act.

This may occur when the Supreme Court of NSW:

1. makes an intercountry adoption order, and/or
2. grants a declaration of validity in relation to an overseas adoption order.

Please be mindful that the availability of birth family information included in the IBC will reflect the information that is made available by the person's country of origin.

Where can I access more information?

The Department of Communities and Justice Adoption Information Unit

Email: Adoption.Information@dcj.nsw.gov.au

Phone: Post Adoption Information Hotline on 1300 799 023 (Mon - Fri 9:00am – 4:30pm) or 9716 3005 (local call within Australia)

Website: www.dcj.nsw.gov.au/children-and-families/adoption

The Registry of Births, Deaths and Marriages

Website: www.nsw.gov.au/family-and-relationships/births/certificates-and-searches-for-an-adoption