

Royal Hospital for Women (RHW)
BUSINESS RULE
COVER SHEET



Health
South Eastern Sydney
Local Health District

Ref: T26/53974

NAME OF DOCUMENT	Adoption
TYPE OF DOCUMENT	Clinical Business Rule
DOCUMENT NUMBER	RHW CLIN212
DATE OF PUBLICATION	September 2026
RISK RATING	Low
REVIEW DATE	September 2031
FORMER REFERENCE(S)	RHW CBR Adoption
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SUMMARY	This Clinical Business Rule provides guidance for staff at the RHW in supporting a woman considering adoption of her neonate. It outlines clinical responsibilities, referral pathways, counselling requirements, and legal processes in accordance with NSW legislation and current Department of Communities and Justice (DCJ) adoption practices.
Key Words	Adoption, open adoption, neonate, DCJ, Social Work, counselling

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Within this document we will use the term woman, this is not to exclude those who give birth and do not identify as female. It is crucial to use the preferred language and terminology as described and guided by each individual person when providing care.

1 BACKGROUND

The aim of this CBR is to ensure safe, consistent and compassionate care for a woman considering adoption of her neonate, in accordance with NSW legislation while maintaining trauma informed care.

Adoption in New South Wales is governed by the Adoption Act 2000¹ and supporting regulations. Adoption is a legal process that permanently transfers parental responsibility from the birth parent(s) to adoptive parent(s).

A key principle of contemporary adoption practice in NSW is open adoption², which recognises the importance of maintaining connections between the child, their birth family, and their cultural heritage.

The Department of Communities and Justice (DCJ) is responsible for providing local adoption services in NSW and coordinates assessment, counselling, and placement processes¹.

2 RESPONSIBILITIES

2.1 Staff (Medical, Midwifery, Nursing, Allied health)

All Staff:

- Identify woman considering adoption and respond sensitively and without judgement
- Refer promptly to Social Work services
- Provide clinical care aligned with the woman's preferences
- Maintain confidentiality and privacy
- Ensure accurate documentation of the maternal and neonatal care is included in the medical record
- Support multidisciplinary collaboration with DCJ and authorised agencies

Social Work:

- Provide counselling and explore options (including alternatives to adoption)
- Liaise with DCJ and accredited adoption services
- Provide information about legal processes and timelines
- Support development of an adoption plan
- Assist with documentation and discharge planning

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3 PROCEDURE

3.1 Clinical Practice points

- Refer to Social Work as soon as consideration of adoption is disclosed
- Advise woman Social Work will contact her as soon as possible
- Provide non-directive, supportive care and avoid coercion
- Arrange counselling for the woman and, where appropriate, the father
- Provide information about all options, including parenting and other permanent pathways
- Inform woman that open adoption is standard practice, supporting ongoing connection with the child. Open adoption is an adoption arrangement in which the birth parents and the adoptive family have some level of ongoing contact and share identifying information with each other
- Explain that adoption arrangements must occur through DCJ
- Facilitate liaison between Social Work and DCJ adoption services
- Ensure Social Work contact the statewide service as all adoption services in NSW are centralised under the Department of Communities and Justice (DCJ)
- Support woman's preferences regarding labour, birth and postnatal care and neonatal feeding choices.
- Ensure woman who has chosen adoption should receive non-directive, evidence-based information on all infant feeding options, including benefits of breastfeeding and expressed breastmilk for both mother and baby
- Direct the woman to the [Infant Feeding Factsheets | South Eastern Sydney Local Health District](#) which includes breast care and infant feeding advice as well as guidance on weaning or suppressing lactation if needed.
- Ensure parental responsibility remains with the birth mother (and father where applicable) until legal consent is given³
- Encourage naming and registration of the neonate
- Ensure accurate documentation of maternal and neonatal care, including relevant medical, social and birth history, in the medical record.
- Ensure Social Work notify DCJ Adoption Services and coordinate adoption-specific documentation requirements.
- Do not complete adoption consent or relinquishment documentation prior to birth
- Ensure appropriate discharge planning for the neonate, including transfer to authorised temporary care if required
- Provide standard postnatal care to the woman
- Ensure Child and Family Health services are notified not to initiate contact, if requested by the woman
- Prepare two Child Health Records (blue books) if required (for birth mother and carers)¹
- Prepare two memory books, one for the child and one for the birth parent, in line with DCJ guidance. Memory books should be prepared by the midwife or nurse caring for the baby; however Social Work department can be contacted for support

3.2 Documentation

- Medical record
- Adoption consent documentation (current legislative forms as required from DCJ)⁴
- Discharge paperwork

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3.3 Education Notes

- Adoption is a highly regulated legal process requiring:
 - Mandatory counselling prior to consent
 - Consent given voluntarily and within legislated timeframes
 - Court approval through the Supreme Court of NSW
 - Counselling must occur within prescribed timeframes before consent is signed (generally between 72 hours and 30 days prior)¹.
 - State-wide DCJ adoption service number is 1800 003 227
- Modern adoption practice emphasises:
 - The best interests of the child
 - Cultural identity and connection
 - Ongoing relationships between child and birth family (open adoption)
 - Adoption is considered only after alternative options have been explored.

3.4 Related Policies/procedures

- [NSW Health – Adoption of a Child: Guideline for Hospitals and Maternity Staff](#)
- [NSW Health PD2016_036 – Adoption Act: Release of Information](#)
- [Adoption Act 2000 \(NSW\)](#)
- [Adoption Regulation 2015 \(NSW\)](#)
- Department of Communities and Justice - Adoption, <http://dcj.nsw.gov.au/children-and-families/adoption.html>

3.5 References

1. Department of Communities and Justice. The adoption process [Internet]. 2025. Available from: <https://dcj.nsw.gov.au/children-and-families/adoption/adopting-a-child/the-adoption-process.html>
2. NSW Government. Understanding adoption [Internet]. 2021. Available from: <https://www.nsw.gov.au/family-and-relationships/having-children/adopting-a-child/understanding-adoption>
3. Australasian Legal Information Institute. Adoption Regulation 2015 (NSW)– consent counselling requirements [Internet]. 2015. Available from: www5.austlii.edu.au
4. NSW Government. Adoption Act 2000 [Internet]. 2010. <https://legislation.nsw.gov.au/view/html/inforce/2010-07-09/act-2000-075>

4 ABORIGINAL HEALTH IMPACT STATEMENT DOCUMENTATION

- Considerations for culturally safe and appropriate care provision have been made in the development of this Business Rule and will be accounted for in its implementation.
- When clinical risks are identified for an Aboriginal and/or Torres Strait Islander woman or family, they may require additional supports. This may include Aboriginal health professionals such as Aboriginal Liaison Officers, health workers or other culturally specific services

5 CULTURAL SUPPORT

- For a Culturally and Linguistically Diverse CALD woman, notify the nominated cross-cultural health worker during Monday to Friday business hours

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- If the woman is from a non-English speaking background, call the interpreter service: NSW Ministry of Health Policy Directive PD2017_044-Interpreters Standard Procedures for Working with Health Care Interpreters.

6 NATIONAL STANDARDS

- Standard 5 - Comprehensive Care

7 REVISION AND APPROVAL HISTORY

Date	Revision No.	Author and Approval
7.9.26	V1	RHW BRGC