

## Post Adoption Information Sheet No 22

### Finding my birth father in NSW

#### Definitions

Adoption legislation in NSW defines birth fathers in two ways:

- ‘Birth father’ and ‘presumptive father’  
This is when the father’s name is on the adopted person’s original birth certificate or there is sufficient information to presume, under law, he is the father. An adopted person is entitled to search for their birth/ presumptive father in the same way they would search for their birth mother (*see PARC Information Sheet 1a*).
- ‘Putative birth father’  
This describes when the father is not named on the original birth certificate or cannot be presumed to be the father under law. The father may have been involved at the time of their child’s birth and named in the file. The majority of fathers are ‘putative birth fathers.’

#### Purpose

This information sheet is about the process of

- finding out the name of a putative birth father
- making contact with him

#### Applying for the name of your putative birth father and understanding the Undertaking

In September 2015, the NSW Adoption Regulations were changed to assist adopted people to access the name of their putative birth father when it is recorded on their file. This is done by signing an Undertaking not to directly contact the person named as their father or any of his relatives. In signing the Undertaking, the adopted person agrees to use an “Information Source” such as PARC to outreach their putative birth father and to seek his agreement to contact. Some men are aware of their paternity and others are unaware that they were named on the agency records at the time.

The Undertaking includes a statement that the putative birth father “may not, in fact, be the birth father of the adopted person”. This is due to situations where paternity testing has confirmed that this information is incorrect and the person is not in fact the father. This uncertainty naturally causes distress for some. PARC can provide emotional support throughout this process.

## **How do I apply for my putative birth fathers name?**

You can

- Contact the Post Adoption Resource Centre. PARC can assist with completing the Undertaking and forwarding to the Adoption Information Unit

Or

- Contact the Adoption Information Unit within the Department of Communities and Justice service directly yourself and organise to complete the Undertaking.

Your putative birth father’s name will then be released directly to you.

## **Contacting your putative birth father**

Now you have your putative birth father’s name after signing an Undertaking:

- You can conduct your own searches and collect information about him.
- You cannot contact him or any of his relatives except through an Information Source such as PARC. A breach is an offence carrying a maximum penalty of 25 units (currently \$2750).

## **Possible responses of a putative birth father**

He confirms paternity and *is* agreeable for contact:

- You can then have direct contact.
- PARC can act as an intermediary between the two, and provide counselling and support as agreed with each party.

He confirms paternity and is *not* agreeable to contact:

- You cannot contact him directly.
- You cannot contact his children directly.

- You can contact his children through an Information Source such as PARC.

He does *not* acknowledge paternity and is *not* agreeable to contact:

- You cannot contact him directly.
- You cannot contact his children (either directly or through an Information Source).

### What if...?

- *My family or friends offer to contact him?*  
You say no. If you have signed an Undertaking, contact must be made through an Information Source.
- *He is deceased?*  
You can contact other members of his family through an Information Source such as PARC.
- *I can find out my putative birth father's name without signing an Undertaking?*  
You may prefer to pursue this. If you have not signed an Undertaking, you can choose if you wish to make contact directly yourself.

Please don't hesitate to contact one of the counsellors at PARC to discuss any aspects of this information further.

#### Post Adoption Resource Centre (PARC)

**Mail:** Locked Bag 6002,  
Hurstville BC NSW 1481  
**Phone:** 02 9504 6788  
**Email:** PARC@benevolent.org.au  
**Website:** [www.benevolent.org.au](http://www.benevolent.org.au)

#### Post Adoption Support Queensland (PASQ)

**Location:** Ground Floor, 189 Coronation Dr,  
Milton QLD 4064  
**Phone:** 07 3170 4600  
**Email:** PASQ@benevolent.org.au  
**Website:** [www.benevolent.org.au](http://www.benevolent.org.au)