



## Monthly Review N° 08/2011 August 2011

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### EDITORIAL

## When the paths of mediation and adoption meet...

*Intrinsic to some traditional cultures, or a true emerging professional field, family mediation opens its doors to adoptive families. As evidenced in this editorial, it offers them many advantages.*

Like any life story, the story of an adoption may be punctuated with crises, in particular at key moments, such as adolescence or in the search for origins, to cite just the most obvious. Just so many key periods in life, when a dialogue is essential to avoid family break-ups between the adopted child and his adoptive parents. This is when the family mediator may intercede among the adoption actors, by providing these families with the tools to solve their conflicts, to establish a dialogue, and to create, on the basis of their own resources, a new kind of bond, within which everyone finds his place.

#### From the importance of dialogue within families...

An adopted person's adolescence often causes the emergence of identity and deep existential questions in him or her, which may lead to crises, which, when confronted with, adoptive parents feel at loss with. Where do I come from? Why was I adopted? Who am I and what is the meaning of my life? Just so many questions that adoptive parents are not always able to answer. When the dialogue ceases and when communication becomes impossible, the area of family mediation may make it possible to resolve the situation, by offering a neutral environment, in which speaking may be free, without any judgement.

Thanks to his tools, the family mediator may bring these persons to listen to each other again, and to establish another means of communication, thanks to which everyone feels

recognised and heard. He may help them express the needs that are hidden behind their words, the intention that guides each of their actions. That is why post-adoption organisations have developed, within their entities, services of family mediation aimed at helping families. According to one of these, 'the family mediator may promote a resumption of the dialogue between the parents and the adolescents, through the negotiation of material aspects relating to the gaining of autonomy'. In view of the serious difficulties and family break-ups experienced by some adolescent adoptees, resorting to family mediation henceforth deserves to be considered, as much by the professionals as by the families.

Furthermore, as highlighted by Jaime Ledesma del Busto (see p. 3), other family situations may also require the intervention of a mediator, such as relationships between biological children and adopted children, which are often marked by some fears and ambivalent feelings, or the cases of separation or divorce of the adoptive parents, which may result in the adopted child experiencing a feeling of second abandonment.

### **... to the support of adoptees searching for their origins**

Another crossroads, at which the paths of adoption and family mediation meet, is the search for one's origins, which may be undertaken by adopted persons. The support provided by the mediator to all the persons involved in this situation appears to be increasingly essential. The lengthy experience of the International Social Service, which has assisted adopted persons in searching for their origins for many years, and the creation of post-adoption services focusing on this issue, are evidence of this.

As reflected in the article on page 3, a family mediator may provide the affected persons with a neutral, safe, and – just as important – confidential environment, overseen by a professional, in which they will be able to express and welcome their multiple emotions, in order to pave the way for a potential meeting with the other, if they wish to do so. Family mediation, with one of its objectives being the provision of support in the construction and reconstruction of bonds, once again finds its role in adoption. Indeed, is the latter not the story of bonds that sever, are created and sometimes recreated? Without aiming for the latter to be kept alive at all costs, the mediator will help the affected persons in moving forward in this identity search, which is both individual and collective. When the search for one's origins goes as far as meeting the biological family, it raises the question of building a new relationship and everyone's part in these new family dynamics.

In cases of open adoption, in which the bond with the biological family does not terminate with the adoption, mediation may also prove useful in order to 'define' the relationships among the three parties involved as well as the position of some in relation to the others.

Thus, the ISS/IRC promotes this valuable instrument, which provides adoptive families with a unique space, in which their emotions may be catered for, and in which their own abilities will enable them to find solutions in situations of internal and external conflicts. It only remains for us to start working on disseminating and developing this key instrument, aimed at establishing a family and social dialogue, based on peace, empathy and the true listening to the other.

The ISS/IRC team  
August 2011

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## BRIEF

### **US and Russia: bilateral adoption agreement signed**

After several months of negotiations, the agreement comes after a 7 years old Russian boy was sent back to his home country by the US family that adopted him. Moscow threatened to halt adoptions if no accord was reached. Under the new agreement, the only adoption agencies that will provide intercountry adoption services in Russia will have to be authorized by the Russian government, and Hague-certified, except in the case of an adoption of a child by his or her relatives. This provision is assumed to largely eliminate independent adoptions. The agreement also improves post-adoption reporting and monitoring and requires agencies to provide prospective adoptive parents with more

complete information about their adoptive children's social and medical histories. Under the new agreement, the Russian government may institute a pre-approval requirement for US families adopting from Russia. The new pre-approval arrangement will allow USCIS to make a preliminary determination on a child's orphan status and flag any concerns before the adoption takes place. According to USCIS, similar pre-approval schemes have successfully streamlined adoption in other countries.

Sources : US State Department,

[http://adoption.state.gov/country\\_information/country\\_specific\\_alerts\\_notices.php?alert\\_notice\\_type=notices&alert\\_notice\\_file=russia\\_2](http://adoption.state.gov/country_information/country_specific_alerts_notices.php?alert_notice_type=notices&alert_notice_file=russia_2)

### Temporary suspension of adoption applications from India

According to the information provided by several Central Authorities for adoption, the Indian Central Adoption Resource Authority (CARA) is currently in the process of revising its Inter-country Families Adoption Guidelines. Until such revision takes place, neither CARA nor the Recognized Indian Placement Agencies (RIPA) will accept new adoption applications. CARA foresees lifting the suspension by approximately the end of September 2011 and will advise when they are ready to accept new dossiers. According to the US State Department, the new guidelines direct that after September 30, 2011, all dossiers must be forwarded to CARA. CARA will no longer accept any dossier through a RIPA.

Sources:

US

State

Department,

[http://adoption.state.gov/country\\_information/country\\_specific\\_alerts\\_notices.php?alert\\_notice\\_type=notices&alert\\_notice\\_file=india\\_2n](http://adoption.state.gov/country_information/country_specific_alerts_notices.php?alert_notice_type=notices&alert_notice_file=india_2n), Department for Education UK,

<http://www.education.gov.uk/programmes/intercountryadoption/a005803/news-on-intercountry-adoption>;

Adoption Authority of Ireland, <http://www.aai.gov.ie/index.php/intercountry-adoption/whats-new.html>.

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## PRACTICE

### Family mediation in the search of origins

*Jaime Ledesma del Busto, a Spanish Psycho-Educator and Family Mediator shares his experience with us in relation to family mediation applied to the field of search of origins.*

**F**amily mediation (1) still remains quite unknown in Spain. The work of the mediator with families facing some conflict – such as a separation or divorce, which is where this character is mostly known – remains hardly appreciated, so that the possibility of benefitting from the help of a mediator in the case of a search of origins by an adopted adult person is even less recognised. However, since the approval in Spain of Law 54/2007 of 28 December, which recognises the right of an adopted person to know his or her origins, this type of mediation has started to become better known.

#### The family context in which family mediation falls into

In order to ease, in the future, a potential process of family mediation in searches of origins, it is very important for an adequate disclosure of origins to have taken place within the family. If, since the adopted child has been in the family, the adoption has been talked

about naturally, the child's previous story and, if potential difficulties that may have arisen in relation to the adoption, have been addressed, without trying to 'look elsewhere', he will be almost prepared to initiate this search in a healthy manner when he becomes an adult. However, we do not always face this situation.

#### The support provided by the mediator

When this is not the case, the mediator must identify it in the initial interviews and pick up the work from where he finds voids and 'unfilled gaps' with explanations. In other words, the mediator cannot go back in time, nor provide all the explanations on a story that does not concern him, but he must indeed prepare the adopted person in order for the latter to be able to find the replies he holds, to let go his prejudices and to break the taboos he has internalised in relation to adoption. The first step is to feel confident, first in relation to himself and then with regards to the process he is about to initiate. Furthermore, if possible, it is also important to help the adoptee's family in finding

these tools in order to support him in this process. From the family's perspective (mainly the adoptive parents), the disclosure of origins to the adopted child must not be felt like a failure, nor should it be considered as a negative situation. It is the adopted person's natural wish, he feels the need to complete his identity by these means.

During this process, the family mediator will support all the persons, who are involved in this 'meeting' – the adoptee, his adoptive and his biological family, by helping them to turn it into a simple path and adjusting the rhythm that is needed at any specific time.

### The stages of the family mediation process in the search of origins

In accordance with the procedure that is now undertaken in several Family Mediation Services in the search of origins, four stages are identified: to know one's personal story

(advice); *exchange information with one's family of origin* (mediation); *contact with the family of origin* (mediation); *building a relationship with the family of origin* (mediation and support). It is a process that usually lasts several months, and it is fundamental to feel very confident every time one of these stages is initiated. Should there be a feeling of insecurity, it is appropriate to – temporarily or permanently – suspend the process and to focus on this issue until it is solved.

The same happens when there is too much confidence and trust in believing that everything will work out perfectly; the mediator will have to set different hypothetical situations, in which the adoptee/biological family will consider the possibility of things not turning out the way they imagined. Many search

processes, and meetings between biological families and adoptees, fail because they do not meet the expectations wished for (expectations filled with too many fantasies).

Given all this, the mediator must always remain alert, in order to find the permanent balance between the 'fear of moving forward' and the 'impulsiveness to run'; necessarily halting the course along the way, and therefore repairing the *vehicle*, ensuring that every *screw* is in its place, before resuming the journey.

#### A fairytale meeting

A 30-year-old adopted woman confessed that she had once initiated the search of her origins and had found information on her biological mother. Despite her good relationship with her adoptive parents, she decided to secretly obtain this information. She contacted a family mediator, who helped her in building her own story with the information she held, to respond to questions and to find new ones that could arise in the future. Once she felt confident and emotionally strong, the mediator contacted her biological mother. The mother and daughter then exchanged information for months via the mediator. Even though they sometimes felt impatient about meeting in person, the mediator made them understand the importance of moving forward with a certain rhythm. Finally came the time for the meeting, which was planned with the mediator. The first meeting was perfect and concluded with a hug. A few more meetings as well as phone calls followed this initial one. The mother then decided to disclose the name of the biological father. Both of them had built their own lives separately, but it was easy to locate the father. The mediator talked to all of them, in different meetings and separately, thereby preparing them to the meeting with a new person, who would perhaps enter their lives. A meeting with the biological father was initially organised; it went well and then came the moment to meet her brothers; a different, but equally emotional meeting. Both biological parents, with their daughter, later considered meeting again simultaneously. A special energy marked that day. A meeting between the biological mother and the adoptive mother is now foreseen, in order to meet and thank each other for the opportunity offered by each of them to their daughter.

#### The importance of the mediator's role

The story recounted in the box would probably not have been as ideal if the character of a mediator would not have been present. Indeed, they might have met; but we could dare to assert that it would not have been told as positively as recounted in this story. However, we must recognise that, even in the

presence of a mediator, this type of stories, as successful as this one, are not that usual, and may therefore be called a 'fairytale meeting'.

Jaime Ledesma del Busto  
 Psycho-Educator and Family Mediator  
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(1) *Family mediation* is a voluntary and confidential procedure aimed at extra-judicially solving conflicts arising within the family, and in relation to which one or more qualified and impartial professionals, who are not competent to make a decision in relation to the parties, support the members of a family that is in conflict, with the objective of facilitating means of dialogue and the common search for an agreement.

## Colombia's new technical guidelines on the search for emotional reference persons [referentes afectivos]

*The Colombian Family Welfare Institute has recently drafted technical guidelines on the search for emotional reference persons\* for children deprived of a family, the principles of which are presented below.*

**T**he objective of this instrument is to generate the integration of these children and adolescents into domestic or foreign families, in order to contribute to their positive development and to expand their network by means of a bond with an emotional reference person. The four programmes that are presented and regulated in the guidelines are aimed, more specifically, at children over the age of eight or groups of siblings and children with a disability or a highly complex illness, who, even though they have been declared adoptable or are in the process of so being, do not find families wishing to adopt them.

The various programmes offer a child to be in the care of an emotional reference person during a specific period of time, either in Colombia or abroad, during the holidays or at weekends, depending on the case. These programmes are, respectively, known as *Padrino residente en Colombia y en el extranjero* [Sponsor residing in Colombia and abroad], *Lazos de familia* [Family bonds] and *Vacaciones en Colombia de niños, niñas y adolescentes con personas o familias extranjeras* [Holidays in Colombia of children and adolescents with foreign persons or families]. One of their specificities is that they occur during the adoption process of a child, who, in fact, may be matched with an adoptive family at any time. Thus, the guidelines state that, prior to putting forward an adoptive family,

who is registered on the prospective adopters' register, the possibilities of adoption should be assessed with the person or family, who is acting as the emotional reference person. Should he or she not wish to adopt, the adoption will then be proceeded with by calling upon the emotional reference person as a source of support in the preparation of the child or adolescent.

With regards to each programme, the guidelines set out the profiles required to be an emotional reference person, and specify that reference persons, who have previously been declared suitable to adopt, will be given priority, although this is not mandatory. Furthermore, the whole development of the period of temporary care is described in details (recruitment and selection of reference persons, matching, preparation for the meeting and follow-up, etc). With regards to the children and adolescents' holiday programme abroad, Colombia has been cooperating with the United States since 2003, with Germany since 2008 and with France since 2010. It is worth mentioning that 74% of those children and adolescents, who travelled under this programme, have been adopted by their reference family.

For further information, the ISS/IRC offers, below, an interview with the head of the Colombian Central Adoption Authority.

\* Available at:

<https://www.icbf.gov.co/icbf/directorio/portel/libreria/hp/03.031123.html>.

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### READER'S FORUM

## Interview with the head of the Colombian Central Adoption Authority on the new figure of an emotional reference person [referente afectivo]

*With a view to assessing, and going into details on, the new Colombian technical guidelines, which have been previously presented, the ISS/IRC has interviewed Ilvia Ruth Cardenas, Deputy-Director of Adoptions. Her valuable contribution enables us to respond to issues arising from these new programmes.*

**Name, Surname:** Ilvia Ruth Cardenas Luna

**Workplace:** Colombian Family Welfare Institute (Instituto Colombiano de Bienestar Familiar, ICBF), Bogota, Colombia.

**Professional position/duties:** Deputy-Director of Adoptions.

**1. What needs do the four programmes that require the presence of an emotional reference person respond to?**

The needs are manifold. Every child's emotional and social need to have his or her own family, to feel protected and to 'belong' to someone; the need to provide an answer to the children's constant question: 'have you found a family for me?'; the need to ensure that every child feels the long-term support and affection from someone, other than the institutional carer or the on-duty professional, who is caring for him or her; the need to learn through experience what a family is, what is received and what is given within it, and how a protective and loving family can help the child overcome the negative image of the biological family and train him or her to fulfil his or her role as a child and as an adult within a family; the need to feel the safety, when he or she leaves care, of a social network that welcomes and supports him or her; the need to ensure that society and the State's social co-responsibility in the care of children is effective...

**2. How is this figure fall into the body of alternative care actors?**

Where there is no permanent foster or adoptive family, it acts as a complement to the services provided to children in institutions. Every child, who is away from his or her family, needs a substitute emotional reference person, who provides him or her with support and safety. What is most difficult for a child is to not have continuous attachment, and to feel anxiety every time a child or a professional comes or goes from the institution. Even when the child has an emotional reference person, and an adoptive family has been found for him or her, priority will be given to the adoption process, but the reference person will be involved in this new phase in the child's life, whenever the adoptive family allows it.

**3. Three of the four programmes may lead to an adoption: do you not fear that this may be a means for prospective adopters to avoid long waiting lists?**

We do not fear this problem, because the long waiting list of foreign prospective adopters is now

aimed at children under the age of seven or for siblings up to seven years old with a good state of health. However, the four programmes encourage the search for families for children with special characteristics and needs (older than eight, groups of siblings with at least one of them over the age of eight, disabled children). We try to put an end to the long list of children waiting for their right to have a family. If there are families waiting for a child under the age of seven, who wish to go through this experience, they will be welcome whenever their Central Authority allows them to, and if they provide evidence as to their preparation for the care of a child with the above-mentioned characteristics.

**4. Not all reference persons, who decide to adopt, have previously been declared suitable. What happens if, in the end, they are not declared suitable?**

We always prefer families, who have been approved for adoption, but we have also developed the experience with families, who have not gone through the suitability process. In these cases, we assess the temporary care studies, which include several aspects linked to those reviewed within the framework of adoption suitability; we put the family into an adoption situation; we establish that the temporary care studies will be prepared by the same bodies as those that assess suitability for adoption (in particular in relation to the U.S.A.), and we even establish that the preparation for the holidays should address the complexity of adoption. On the other hand, we prepare the child for a holiday – and never an adoption – experience, and for the possibility that he or she, as well as the family, may wish to continue in a sponsorship relationship. The child will only be made aware of the adoption once the request has been approved in Colombia, and once the matching has been accepted by the receiving country's Authority. Even when the family does, in the end, not manage to be considered suitable to adopt, it will be able to continue being the child's emotional reference person through sponsorship. We work with the child on this expectation.

**5. The holiday period may be put on an equal footing with the trial period in the adoption process. If so, how is the bond between the child and the emotional reference person addressed?**

The holiday period is addressed with the child as a trip, as a discovery of new places, people, customs, the making of new friends, and the possibility for the family and the child to continue in a long-term relationship that will support him or her in his or her life. In the selection of the child, we have decided

that, among other aspects, they must wish to have a family and to commit to a relationship, that they must have the ability to create bonds and to adapt to changes, etc. The holidays are an opportunity to create bonds that are intended to be strengthened through permanent contact as sponsors, and subsequently through adoption, if the relationship achieves this level. The holidays are an opportunity for both parties, in addition to getting to know each other, to assess their capacity to live together, to adapt, to accept each other as well to offer affection to someone, who was foreign to them.

**6. How does the child participate in the decision to benefit from the holiday programmes and in his or her adoption by a reference person? Does he or she know, from the beginning, that he or she may be adopted?**

As soon as there is certainty as to an approved foster family, the child is informed and prepared. In this preparation, he is informed of the objective of the experience, which is the holiday. He is also informed that, resulting from the holidays, the family and him or herself will be able to continue or not the sponsorship relationship. In addition, he or she is notified that if he or she and the family wish to do so, and if the Colombian and foreign Authority authorise it, they may proceed to an adoption. When the holidays are over, the child is interviewed in order to assess his or her experience, the bonds that have been created, his or her expectations and fears. This contribution is very important, should the family submit its intention to adopt.

**7. If the emotional reference person decides not to adopt the child, how is he or she supported and how does he or she maintain a bond with his or her reference person?**

First, the family must not encourage expectations in relation to adoption. Secondly, it is a matter of working a lot with the child during the preparation phase, in order to redirect expectations on the 'holidays, not the adoption' prior to and during the trip. Third, the family must continue to have contact with the child even though it will not adopt him or her. The family's commitment is to act as an emotional reference person, not to adopt him or her. After the holidays, and if the child positively assesses the experience and wishes to remain in contact with the family, the family will be able to contact the child's psychologist at the Family Defence Counsel, who will guide them towards the best process, means and times to do so. This professional will make it possible for the child to build a positive bond for his or her development. Families remain in contact with the child by using all forms of technology, or visiting him or her in Colombia, requesting that he or she may leave the institution for short periods in order to spend moments together, or inviting him or her on holiday again in their country.

**8. What results and lessons learnt do you wish to share?**

First, to clarify that the guidelines compile the experience of several years of good and bad decisions, the experiences of the families and the children, and the observations made by ICBF professionals, who have travelled with the children during those years. It is a process that has resulted from the fact that, even though the institutions are increasingly nicer and better equipped, they remain walls and nice signs that will never be able to replace the affection and safety of a family. We need to create safe paths in order for older children to have the opportunity to achieve their dreams, and for the families themselves to be able to confirm or deny their beliefs and fears in relation to an older child, when they are faced with a child, spend time with him or her, get to know him or her.

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## INTERDISCIPLINARY RESOURCES

### **Terres des Hommes launches study on children living on the streets**

*The ISS/IRC welcomes this policy paper focusing on this vulnerable group often lacking a respect of their most basic rights, including that of shelter and encourages further work in this area.*

'*Children in street situations*'<sup>1</sup> is the new policy paper developed by Terres des Hommes (TdH) launched in 2010. This initiative joins the awareness and efforts lead at an international level in order to advocate for a better protection

for those vulnerable children. In this context, the Human Rights Council has adopted in March 2011 a specific resolution regarding the rights of children working and/or living on the street<sup>2</sup> in which it strongly condemns the violations and

abuses of the rights of those children and calls the States to ensure appropriate care and protection for them. Upfront, TdH paper makes it clear that this group may not perpetually be living on the streets as 'they may also spend time in prison or in institutions, they may go back to their families for a short time, they may take part in project activities, or they may move from one town to another or be forced to move'.<sup>3</sup> This changeability makes it difficult to pinpoint exact numbers. This brief article focuses on alternative care issues, whilst the paper covers the much broader range of needs of this group (e.g.: education, health etc).

#### Alternative care issues

According to the UN Guidelines for Alternative Care of Children (para 9), it is essential that 'appropriate and culturally sensitive measures are developed' for this group. As a priority the study stresses the importance of family re-integration. Where such re-integration is not possible, other forms of care should be considered including temporary foster care, sheltered accommodation and community support. A list of resources is provided in the paper to facilitate re-integration and finding solutions such as mediation, community therapy and family participation in project activities.

#### Adoption as a potential solution

Given the number of children who find themselves in this precarious situation, it is

logical that adoption be considered. Yet many children living on the streets have ties with biological parents whose consent is not guaranteed and their lifestyle may make it difficult for those, who are older or have lived in this context for a long time to form attachments. Interestingly in this regard, in 2011 the Nepalese Government has banned the intercountry adoption of children living on the streets<sup>4</sup>. Whilst such a blanket approach may not necessarily be in the best interests of each child, it is essential to recall that the adoptability of each child must be assessed on a legal, psycho-social and medical basis. It is especially important to assess whether they can integrate into a family and this process can take some time.

The ISS/IRC wholeheartedly agrees with the paper's belief that 'the problem is 'not "the street child" but the situation causing the child to be in the street'. Therefore, it encourages the comprehensive use of this helpful tool as it provides innovative ideas as well highlights certain pitfalls for addressing root causes driving such situations.

1. <http://tdh-childprotection.org/documents/children-in-street-situations> (available in English)
2. Resolution A/HRC/16/L.13/Rev.1 regarding the rights of the child: a holistic approach to the protection and promotion of the rights of children working and/or living on the street, March 2011, <http://www.crin.org/Law/instrument.asp?InstID=1511>
3. See note above at page 8
4. [http://www.myrepublica.com/portal/index.php?action=news\\_details&news\\_id=26978](http://www.myrepublica.com/portal/index.php?action=news_details&news_id=26978)

#### CONFERENCES, SEMINARS, SYMPOSIA AND COURSES

- **France:** a) *Législation et procédures de l'adoption interne et internationale, en France*, COPES, Paris, 17-19 October and 21-22 November 2011; b) *Les adoptions tardives: de la singularité de l'enfant grand aux particularités*, COPES, Paris, 14-18 November 2011. For more information: [www.lecopes.org](http://www.lecopes.org)
- **United Kingdom:** *Good practice in parent and child fostering placements*, BAAF, London, 13 September 2011. For more information: [www.baaf.org.uk](http://www.baaf.org.uk)

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