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Monthly Review

EDITORIAL

Open adoption: Several speeds, several measures

The Fourth Special Commission on the Practical Operation of the HC-1993 (SC) was an opportunity to launch a debate on open adoption, and to reflect the very diverse developments and positions in this field, from one country to another and from one continent to another.

Pages and pages could be written on the definition of the concept of open adoption, as it refers to so many formal and informal practices. A non-exhaustive presentation of some of them was the subject of a comparative analysis published by the ISS/IRC in May 2015 on the basis of a survey undertaken within its network¹. It appears, from the latter, that this type of adoption is, in general, marked by the preservation of some form of contact between the child, members of his family of origin and the adoptive family. The nature of the contact itself may range from a simple exchange of non-identifying information on the identity of the parties involved – which are defined, by some, as semi-open adoptions – to a form of direct contact – which are defined, by some, as fully open adoptions. The session on open adoption organised at the Fourth SC, which was hardly unanimous, was an opportunity to reflect the very controversial character of this system and the difficulty of agreeing on a common recommendation on this issue. Furthermore, the ISS/IRC would like to call upon you to consider the positions of the various countries, and to reflect on the implications of this type of adoption, which, even though it has some clear advantages, is not in the interests of all children and is not risk free.

Is it a system accepted by all countries?

The variety of positions with regards to the system of open adoption is as wide as its developments. Whilst in some countries, such as New Zealand and Germany, open adoption is a well-established practice, or has even become the norm (U.S.A.), in other countries, such as Spain, it is experiencing its first steps (see p. 4) given society's evolution, which leads to the search for new forms of family care (see p. 9). Finally, it remains fully excluded in a considerable number of countries of origin, in particular in Latin America and Eastern Europe, which have expressed their firm opposition to this system at the Fourth SC, advocating for the anonymity enshrined in the laws of some of these countries. Amongst the reasons put forward are the socio-economic imbalance between families of origin and adoptive families,

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the potential conflicts of interests amongst the various parties involved, and the violation of Article 29 of the HC-1993 when the contacts take place prior to the professional matching. The ISS/IRC, on the other hand, maintains that some openness in adoption and *'where not prohibited by domestic legislation, and after professional matching, contact between the adoptee [, his adoptive family] and biological family (...) may be beneficial in some cases'*, as stated in the final recommendations of the SC². However, the ISS/IRC reminds the importance of respecting the cultural, socio-political and legal conditions imposed by countries of origin.

Is it an adequate system for all children?

Whilst open adoption may have benefits from the child, such as some form of continuity or a stronger feeling of identity, it has its risks and cannot be recommended in every situation. The various studies that have been undertaken on the experiences of adoptees, adoptive parents and biological parents in relation to some form of post-adoption contact are key tools in the understanding of this system's implications (see p. 13). The selection of such an option must therefore be led by the child's interests and must not place the latter in a conflict of loyalty or go against his wishes. From one situation to another, open adoption may therefore either be recommended by the professionals – for example in late or relative adoptions – or, on the contrary, be ruled out – in particular in those cases, in which the child has been a victim of abuse or neglect, or when the biological parents suffer from a behavioural disorder or a serious addiction. The need to provide a framework to this system therefore seems essential, and the ISS/IRC recognises those countries that have included this option and its terms and conditions in their legislation (supervision by competent authorities, conclusion of contact agreements amongst the parties prior to the adoption judgement, which detail the nature/frequency/potential mediation by a third party, which are all examples that are detailed in the ISS/IRC's comparative analysis).

Is it a system available to all professionals?

As mentioned by an experienced professional, the success of an open adoption relies on the full commitment of the adoptee, the adoptive family and the family of origin, as well as on that of the professionals. First, it is worth gathering the consent of all the persons involved and to ensure that they have been informed of the concrete implications of such a decision, for example through mediation (see p. 8). Then, the professional support for the contact, in particular in intercountry adoption (see p. 6) will call for specific adjustments (the selection of a neutral place for the meeting, close cooperation with local partners, etc). Furthermore, ongoing support must be available to the parties in cases of difficulties linked, for example, to a refusal of contact. Finally, open adoption is a process full of risks, given that it occurs over time, which is why review mechanisms for the contact agreements must be provided for, as well as tools for the resolution of potential conflicts, such as the resort to mediation.

For the ISS/IRC, open adoption is a permanent family care option that may be considered for some profiles of children, provided that essential safeguards for its positive operation are set up, such as its inclusion in a legal framework, its supervision by a competent authority, in-depth preparation and ongoing professional support for the parties involved.

The ISS/IRC team
September 2015

References:

¹ The ISS/IRC's comparative analysis *'From greater openness in adoption to fully open adoption: The current situation and views'* provides concrete examples of practices developed in some countries. Available in English, French and Spanish upon request to irc-cir@iss-ssi.org.

² See: http://www.hcch.net/upload/wop/adop2015concl_en.pdf.



BRIEF NEWS

Family for Every Child leads initiative on Inter-Agency Guidelines on Children's Reintegration

Led by Family for Every Child and launched in 2015, ISS is pleased to be working with a cohort of international agencies to develop guidelines for their use, building on the framework of the Guidelines for the Alternative Care of Children and promoting promising practices for this subject. The Terms of Reference explain the objective as focusing 'on low and lower-middle income contexts. They will outline common principles of good practice in reintegration processes, but will also acknowledge that the ways in which these principles are implemented in practice will vary by context and by the particular needs of each individual child. The guidelines will be developed using an inclusive process that aims to build on the on-the-ground experience of practitioners and engage a range of key actors in reintegration processes'. Through the ISS network's casework experience, we hope to make a useful contribution to this important initiative.

New report on climate change and the impact on children on the move – A human rights perspective

The report *Human rights, climate change and cross-border displacement: The role of the international human rights community in contributing to effective and just solutions*, by Jane McAdam (University of New South Wales) and Marc Limon (Universal Rights Group) brings important policy discussions on this topic to the forefront. The launch noted that 'the Human Rights Council has adopted a series of resolutions calling attention to the effects of climate change on the full enjoyment of human rights, and the Conference of the Parties to the United Nations Framework Convention on Climate Change has also recognised that "the adverse effects of climate change have a range of direct and indirect implications for the effective enjoyment of human rights". While climate change impacts have implications for the human rights of individuals in all parts of the world, it is well established that the rights of those in already vulnerable situations are at particular risk'. The issue of climate change and its consequences must therefore be considered in the daily work of those protecting unaccompanied and separated children, starting with the policy issues identified in this timely report.

To access the report: <http://www.universal-rights.org/urg-policy-reports/human-rights-climate-change-and-cross-border-displacement-the-role-of-the-international-human-rights-community-in-contributing-to-effective-and-just-solutions/>.

CRIN launches a campaign on children's rights and the 'refugee crisis'

Globally, there are more people than ever on the move due to conflicts and emergencies, including a significant number of children. The recent 'refugee crisis' that struck Middle Eastern countries and European Member States showed clearly that political unwillingness, reactive measures as well as prevailing stereotypes, stigma and negative narrative within a society hindered the provision of adequate and human-rights-based responses to such crisis. However, it is encouraging that joint efforts are multiplied by international and civil society organizations through coalition and partnership-building, to refocus on the basic needs and rights of those affected, including children. For instance, the International Organisation for Migration (IOM), the United Nations High Commissioner for Refugees (UNHCR), the Office of the High Commissioner for Human Rights (OHCHR) and the UN Special Representative of the Secretary-General for Migration increasingly publish joint statements issuing recommendations aimed at political leaders and raising awareness to alarming situations leading to human-rights violations. In the same line of thinking, CRIN started a campaign to change public perception and the general narrative around the refugee crisis by proposing several tools and documents on their website, such as a *Guide to children's rights and the refugee crisis*, a *Guide to correct terminology*, an *Introduction to refugee and human rights law* as well as other legal resources with useful links. Furthermore, several awareness raising campaigns exist with the purpose of shifting public perception and promote the social inclusion of migrants, such as the 'I am an Immigrant' campaign in the United Kingdom or several digital campaigns developed by IOM.

Sources: CRIN, *Children's rights and the refugee crisis*, <https://www.crin.org/en/home/campaigns/childrens-rights-and-refugee-crisis>; Joint Statement on Protection in the Mediterranean in light of the EU Council's Decision of 23 April 2015, <http://www.unhcr.org/553e41e66.html>; NGO Committee on Migration, <http://ngo-migration.org/>; Project 'Destination Unknown', <http://destination-unknown.org/about/partners/>; 'I am an Immigrant' Campaign,



LEGISLATION

Spain: A new law amends the child and adolescent protection system

After several years of intense work by governmental actors and civil society, Law N° 26/2015, which amends the child and adolescent protection system¹, has finally been approved. The ISS/IRC outlines below some of the important achievements of this new instrument for the rights of children without family care or at risk of being without it.

The new Law on child and adolescent protection, in force since 17 August, is a significant reform to the child and adolescent protection system, given that one of its main objectives is to improve the application of protection instruments and to ensure a uniform protection to all children and adolescents across the Spanish territory. Amongst its innovations, this Law offers a detailed definition of the concept of the best interests of the child, by including in the latter the fact that *'priority will be given to the child's maintenance in his family of origin and the maintenance of his family relations will be preserved, whenever this is possible and positive for him [...]. If a protection measure is decided, priority will be given to foster rather than residential care'*. In addition to providing greater protection to children in specific situations (foreign children, victims of gender violence, etc), this Law reiterates that a situation of poverty or disability in the parents cannot be taken into account to assess the situation of vulnerability of a child.

Speeding up protection proceedings and a focus on family measures

This instrument introduces new procedural conditions aimed at speeding up care proceedings for children at risk (to be defined now at federal level) or in a situation of vulnerability (defined for the first time). Furthermore, timelines have been established in order to give priority to stable, rather than temporary, family measures: the voluntary guardianship of children in a situation of vulnerability or whose parents cannot care for them will have a maximum duration of two years, except in some exceptional circumstances. The Law also states that a temporary protection measure that is adopted for children

under the age of three years will be reviewed every three months, and every six months for children over the age of three.

The Law clearly gives priority to family, rather than residential, measures, and focuses, in particular, on children under the age of six years. Three types of foster care, which will take place in the child's extended family or in another family, are provided for and regulated: *urgent foster care*, mainly for children under the age of six, *temporary foster care* until the child is reintegrated into his family, and *permanent foster care* in the case of children with special needs and when the situation of the child and the family calls for the latter. In cases of residential care, in addition to detailing the rights of the children in care, the Law promotes models with limited groups that are similar to a family environment. The ISS/IRC therefore welcomes these measures, which contribute to implementing the right of every child to grow up in a family environment, *which responds to his needs*. However, some confusion may arise as to the concept of permanent foster care and its relevance when an adoption could be decided.

A new concept: Open adoption

The inclusion of an open adoption system, characterised by the preservation of some form of relationship or contact between the child, members of his family of origin and the adoptive family is another innovative feature of this Law. The latter sets out the criteria for this new system, by detailing the authorities involved, its terms and conditions (frequency, duration, potential intervention of a public or accredited body, amendments or termination). A judge may declare this measure when it is in the best



interests of the child given his situation, family, age or other significant circumstances, and requires the consent of the adoptive family and of the child if he is over the age of 12. In any case, a child under the age of 12 will have to be heard in accordance with his age and maturity. This new system, which intends to respond to the needs of some profiles of children, will have to be supported by monitoring mechanisms in cases of difficulty, such as, for example, mediation services – a provision that may be considered in the Law’s regulations.

Significant changes to intercountry adoption

Intercountry adoption is amended significantly through this new Law. From now on, the decision to initiate, suspend or limit intercountry adoptions from some specific countries is incumbent upon the Central Authority at federal level, as well as the accreditation of adoption bodies for intercountry adoption (AABs) and the control and monitoring of their actions abroad. The Autonomous Communities (ACs) remain competent for accrediting and controlling the actions of these bodies on their territory.

Another important step is the incorporation of quotas in the number of adoption files that are submitted to a country of origin, in accordance with criteria defined in law, except in the case of adoptions of children with special needs. The new Law also strengthens the control over undue gains, and reiterates the prohibition of adoptions in situations of natural disasters, conflicts or insufficient safeguards, which was already included in the Law on Intercountry Adoption (2007). With regards to prospective adoptive parents, the Law states that their preparation is mandatory.

Finally, the Law states the obligation to undertake intercountry adoptions via an AAB, when it is an adoption from a country of origin that has not ratified the HC-1993. This obligation may also be decided by the General Administration or a Public Body in relation to a specific country of origin that has ratified the HC-1993. These measures contribute to preventing the potential risks linked to independent adoptions, such as the participation of non-duly accredited intermediaries, when the country of origin has a good system for the accreditation, supervision and control of AABs.

Spain has taken a considerable step forward in the protection of children by promoting concrete measures to maintain them in a family environment that is positive to their development. The new provisions approved in relation to intercountry adoption strengthen the implementation of the HC-1993 in terms of international cooperation, and place the child’s best interests at the centre of its priorities through specific measures, such as the mandatory preparation of prospective parents and the establishment of quotas in the number of adoption files. Now, the development of regulations remains pending in order for this Law to become a reality in practice.

Reference:

¹ *Ley n°26/2015 de modificación del sistema de protección a la infancia y a la adolescencia*. Available in Spanish at: <https://www.boe.es/boe/dias/2015/07/29/pdfs/BOE-A-2015-8470.pdf>.



Thirty years of experience in open adoption: Advantages, obstacles and professional expertise

Ms Berit Haas, M.A., an educational expert at the German accredited adoption body Eltern-Kind-Brücke e.V., has developed a strong experience in open adoption, and kindly shares with us the advantages and obstacles to such a practice as well as the intense professional support that it requires.

For over 30 years, we have gained experience with open adoption in Germany. Long-term follow-up shows that this type of adoption – which, however, cannot be recommended to everybody – seems to be helpful, in principle, for all the parties involved. Birth parents should be informed about this possibility, but, after detailed counselling, they have to decide on their own. Adoptive parents should be ready to accept open forms of adoption, they should be trained to imagine personal meetings with birth parents, write fictive letters to them before starting an adoption procedure. This makes them aware of the needs of birth parents as well as of the adoptive child in the future. The child can grow up with continuous knowledge of his roots, with a deep feeling that neither the birth parents nor the adoptive parents need to deal with a phantom, but know each other and get all questions answered properly.

Advantages for the adoption parties

Numerous are the advantages of open adoption for the adoption parties:

For birth mothers/parents and their families, they:

- are respectfully consulted by experienced social workers, who encourage them to reflect on all the positive and negative consequences resulting from their decision;
- are therefore enabled to make an informed decision, to speak about their feelings and wishes for the future;
- may imagine the long-term consequences and how to deal with them;
- are, *up to a certain degree*, allowed to have control over who will be the prospective parents of their child, to get to know them personally, to ask them all the questions they want to ask, of course, in a protected anonymised consultation. The social worker, for example, asks

about their preferred country as to where the child should live; or he allows them to select from the welcome albums of various applicants (no addresses and no family names are mentioned!), the prospective family setting. The selected applicants, of course, must first be declared suitable to adopt, the child must first be declared adoptable and all required consents must be at hand before they meet. Finally, they always meet under the supervision of the intermediating body, and never alone;

- are clearly informed about who is the future contact (*e.g.* the organisation/respective social worker remains the contact person);
- can keep in touch with this family and the child in accordance with clearly defined 'rules', by exchanging letters and photos, or meet personally in the office of the organisation, once the family pays a homeland visit and the child wants to meet them.

For the child:

- he realises that he is not abandoned but rather released by his birth parents/family into a new adoptive family. This inner certainty creates the freedom to adapt;
- the birth family will continue to be part of the child and his new family's daily life in a very natural way;
- the child never needs to fantasise about 'why me? what's wrong with me?';
- he can continuously experience that although biology makes a child, love brings him up, and these are two different roles, which are sometimes fulfilled by two different persons;
- it enables the child to ask all the questions when they arise.

For the adoptive parents, they:

- need not only learn facts from datasheet, but get to know the birth parents personally;



- can really come to an understanding as to why this release was the only option the birth parents had, and that this deliberate decision of adoption was taken with a full reflection on the best interests of the child;

- do not need to fantasise about 'what the birth mother is like';

- can always ask questions, and, most importantly, they can lovingly integrate the child's roots into their family, without fearing the doubts or claims.

Respect for the cultural situation and views

In respect of intercountry adoption and intercultural cooperation, we must, however, also respect the local situation. Nevertheless, we have managed to bring our experience of open adoption to all our cooperation country partners. We continuously report on our experiences and discuss the pros and cons with our colleagues abroad. Recently, we had a few semi-open adoptions (the birth mother and the adoptive parents met with each other shortly after the adoption in the organisation) in one country, which, to date, used to be very strict to avoid any 'loss of face'. In this country, we also see a growing opportunity for adoptees during puberty to either get a photo of their birth mother or even to meet her, in a well-prepared manner and supervised by very competent local social workers.

Strong professional involvement and expertise are vital for successful open adoptions

Such open procedures require a lot more expertise and worktime as usual, more counselling, more deliberation and reflection; and, of course, a lot more supervision and guidance after the adoption. There is a permanent exchange of photos and letters, sent by the birth mother at the child's birthdays or for Christmas/New Year. However - and we believe this to be very important - all of these contacts are intermediated (not direct): from the birth family to our cooperation partner, from them to us, from us to the adoptive family and back again. Thus, each organisation can check how the present situation is, e.g. how the child reacts, or how the birth mother feels, etc. Well-prepared personal meetings take place in the partner organisation with whom we are in close contact. Thus, you can imagine that this means a lot of extra work for each case and for many years, even exceeding the age of consent. But it is worth being done! Recently we received a video clip of a young birth mother, who had organised a birthday party to celebrate, with the social workers, the birthday of her child, who had left for Germany many years ago. She reported that she finished her studies successfully and got a job. Such feedbacks are highlights in our work.

During natural disasters, we used to have very concerned phone calls and mails either from the birth family or the adoptive family. This reflects a close relationship despite thousands of miles of distance in between. In particular, school-age children with an increasing awareness of what adoption really means benefit from well-prepared homeland visits, since they get proper answers to questions, find similarities, learn that their birth parents took such decision out of love and for the child's benefit. As a result, adoptive parents report that their children seem to be more balanced, and even closer to them.

The ISS/IRC congratulates the solid experience developed in Germany in terms of open adoption, and would like to draw attention to the fact that, beyond the existing advantages and obstacles of such a type of adoption, the latter relies on an intense work in terms of expertise but also of time and a clear respect for the views of the country partner.



Mediation in the pre-adoption phase: Wide ranging benefits for all stakeholders considering open adoption

Jill M. Katz, Professional Mediator in the U.S.A. (Kansas City, Missouri) kindly shares with ISS/IRC her long experience of mediation in the context of open adoption. In this article, she exposes the potential role of mediation in the pre-adoption phase. In order to supplement this contribution, the ISS/IRC suggests consulting the article published in Monthly Review N° 181 of May 2014 on the resort to mediation in the implementation of post-adoption contacts, which highlights the importance of granting the child participation in the process.

Mediation is a process where a trained person facilitates a resolution of a conflict between two or more people. Mediation is particularly effective when the parties in conflict will have an ongoing relationship. Adoption mediation uses the process of mediation within a context of relationship-building, but not necessarily in the context of conflict (see also the issues of the Monthly Review of August and December 2011 on family mediation in the context of a search for origins). Mediation can assist birth parents and adoptive parents in establishing what, if any, role the birth parent may play in the future.

When a birth parent decides to place a child for adoption, the many emotions can be overwhelming. When an adoptive parent contemplates receiving the placement of a child, the extreme and sometimes desperate desire to become a parent may cloud the decision-making process. Desperation is often felt by both, the birth parent and the adoptive parent. Many Attorneys and Courts are turning to the mediation process to allow birth and adoptive parents to plan what, if any, relationship the child will have with the birth parent and others that are part of the birth family after a child is adopted. Using a trained mediator can create a needed buffer for the emotions of the birth and adoptive parents.

Mediation to explore open adoption agreements that are able to find the right balance between the interests of all stakeholders

The adoption mediation process generally follows traditional mediation practice of sitting down face to face, brainstorming options and exploring agreements about the future. The mediated agreements may, or may not, be prescribed under the law of the jurisdiction where the adoption is proceeding. Additionally, enforceability of these agreements will be impacted by each specific jurisdiction.

It has long been customary for birth parents to receive information, such as pictures and updates, as the child grows up. Although a jurisdiction may have a legal definition of 'Open Adoption', each family, and sometimes each family member may have a different personal definition. Because birth parents may have a different understanding of 'open adoption' than adoptive parents, mediation is a tool that can help create a definition of 'open adoption' that is understood and accepted by both, the birth parent and the adoptive parent.

One of the crucial responsibilities of an adoption mediator is to ensure that a level playing field is accomplished in the mediation. If the birth parent has 'chosen' the prospective adoptive parents **through professional matching** (in accordance with international standards such as art.29 of THC-1993), the birth parent may have a sense of control as his consent may be contingent upon a favourable 'post-adoption contact' agreement. The prospective adoptive parents may feel compelled to agree to the birth parent's desires, although they may not feel comfortable with the desired level of contact. The mediator must be aware of the control and desperation levels. The mediator must also be aware of the impact the law will have on the agreements. The law that applies to the adoption may not allow 'contingent' consents for adoption; therefore, the mediator must ensure that the parties to the agreement understand a Court's role in accepting the consent or agreements made by the parties to the adoption.

Mediation to establish a new or ongoing relationship

For parties that have no relationship other than a birth parent having selected a family **through an agency or another formal process**, the mediation becomes a mechanism to explore how the parties will be connected in the future. It is the chance for the adoptive resource to find out the history



of the birth parent, to hear the birth parent's voice, to look into the birth parent's eyes, and acknowledge the truly profound decision that the birth parent is making. It is the chance for the birth parent to learn about the goals and aspirations of the adoptive parent. A chance to get a glimpse into the world their child will be entering. A chance to let the adoptive parent know why adoption was their choice.

For parties that have a prior relationship of some kind, biologically related or connected through a friend, family member or common acquaintance, mediation becomes a mechanism to redefine relationships. It is the chance to discuss and transform the individual expectations into common expectations for the future. Without common expectations for the future, resentment, anger or frustration may cause emotional trauma for all parties to the adoption, including the child.

It is undeniable that an adopted child is connected to birth parents and birth siblings. For a child that never seeks to have information about a birth parent, birth parent information may never be important. But what about when the child does desire to learn about the birth parent? For the adoptive parent, having the personal interaction in the mediation may become as important as having the medical history of the birth parents. For a child, who seeks information about a birth parent, the ability of the adoptive parent to have the connection to a birth parent may be invaluable.

Additionally, mediation can also be used for extended family members, such as grandparents, aunts, uncles or other family members, who may attempt to file competing adoption petitions. The use of mediation to form ongoing relationships for the adopted child and the birth family may result in fewer contested adoptions and in adopted children, who stay connected to birth families.

Increased advantage of mediation to promote adoption from foster care

When adoption is the goal for children placed in foster care, mediation may lead to earlier permanency and resolution. A mediator must be mindful of future safety issues for the children because of the abuse or neglect history. A mediator must be mindful of the children's relationship, not only to their birth family, but to the foster parent, who may be seeking to adopt the children. A mediation that brings birth parents together with foster parents seeking to adopt the children can be an emotional experience. It is helpful to understand the relationship between the birth and foster parents. Are they related? Have they ever met before? Did the foster parent provide any supervision for parent-child visits? While a birth parent may not be able to make a decision to consent during this mediation, sometimes just meeting and getting to know who may be raising their children will allow a birth parent to have the emotional ability to provide consent at a later date. If a birth parent can experience the commitment of the foster parent to the children, decisions to consent may feel more like an act of love rather than an act of abandonment.

Most parents seek out the most information available to parent their children in a healthy and happy manner. Mediation is another tool that can be used by both, birth parents and adoptive parents, to ensure that the child is being raised to be healthy and happy. In the end, healthy and happy is a goal everyone can agree upon.



Joint education in foster care

Nathalie Chapon, a Teacher and Researcher at the University of Aix-Marseille (France), reflects here on the linked concepts of 'joint education' and 'parenting' in specific situations of foster placements, in which various stakeholders intervene at different levels in the education of the child¹.

'To educate jointly, is to open, to ease and to transform the dialogue amongst the stakeholders, who are directly concerned with the education of future generations. The cooperation of parents, professionals and volunteers, together with the children and adolescents themselves, has today become indispensable'. To accept to educate jointly is to accept a dialogue outside the exclusive reference to the biological family; it also means recognising the diversity of key figures related to the child, and his flow within a multi-family system, which includes the foster family, the biological family and social workers.

Foster parenthood and substitute models

In 2014, N Chapon completed work on the concept of family relationships and parenthood within foster families, based on research with 40 family workers of the social assistance's child services. In this research, she examined statements and perceptions on the subject of emotional relationships within foster families, with regards to various factors (the child's background and care characteristics, the circumstances of the placement, the frequency of parental meetings, etc). This research demonstrates the importance of going beyond the contradiction between the parentage bond and the attachment bond legal with a view to identifying four possible types of family substitution. It focuses on family substitution, in the sense that the foster family complements the biological family without replacing it or without the latter feeling vulnerable in its parental development.

*Mahdi came into care at the age of two months and became adoptable at four and a half years. For two years, he had no maternal contact despite numerous attempts by care services. The primary foster family in the adoption process decided to keep Mahdi in their care and he then became the fifth child of the family (= **alternative substitution**).*

*Laura was placed with a foster family when she was very young, she is now 17 years old. She continues to see her birth mother even though there have been ups and downs in their relationship throughout the period of her placement. Her mother will always remain her mother, and the same with her grandmother whom she sees regularly, but her family worker remains an abiding emotional pillar, a daily comprehensive reference (= **shared substitution**).*

The four models of substitution defined by the author are the following:

- **Alternative substitution:** The substitution refers to taking the place of the other parent or relative; in this case, the foster family gradually takes the place of the birth family and considers the child as their own. We then move towards either a long-term placement or an adoption declaring the abandonment of the child (see the example in the attached box).

- **Shared substitution:** This refers to situations where the two families – foster and birth – acknowledge the importance of each other by putting in place a singular shared education, according to the strengths and weaknesses of each one. This involves sharing time, living environments, bonds and the development of a double sense of being part of a family (see the example in the attached box).

- **Supportive substitution:** Here, the foster family provides complementary temporary parenting, they support the birth family, which acknowledges and assumes its place as a parent. Supportive substitution is characterised by prompt support to vulnerable parents or relatives.

- **Undecided substitution:** Here, the two families are not very involved, the child is without real support, the placement is delayed, it is recurrent and short-term.

Several types of substitution can exist at the same time and in the same foster family with regards to the children being cared for and the length of time spent in the family, each model of substitution can move towards a new substitution depending on the length of placement. Life in the foster family requires great capacity for adaptation and the ability to take stock, the



framework is in perpetual evolution, in particular in view of all the parties concerned.

Simple adoption by the foster family

Within the context of supportive substitution, a full adoption may, in some situations, lead to a delay between the legal framework (annulment of the biological parentage) and the specific realities of life in a foster family, particularly in the case in which the child still maintains a bond with certain members of his family. Only simple adoption allows for an opportunity for legitimate appropriate decisions that take into account the complexity of the situations experienced in a foster family, in which several families exist at the same time. This comes just as full adoption legally recognises the position of the foster family as parents of the child placed with them; however, it does not do this by opposing the relatives but rather by broadening the child's family

relationships through an increase in parental figures. This falls within the scope of additional parenting and a form of multi-parenting.

Professionalising foster care

Professionalism allows the carers to better position themselves as childhood professionals, and to find a balance whilst also preserving the place of the parents. This is principally in an attenuated form when the placement in the foster family occurs with a shared substitution, where the birth parents are mobilised and where the child moves between the two families. Learning to love the foster children differently to one's own children, whilst respecting the place of each child, of the parents, social workers and the team, requires genuine collaboration by all those concerned at every level. It is at this specific juncture that we can talk of shared education in foster care.

Given the complexity of situations in which each person must find his rightful place and their unique and complementary role, it must be underlined that 'with' builds over time, working through training, through the analysis of practical experiences, the understanding of each other and through mutual respect. To this end, exchanges about the child, including in situations of apparent deadlock, should be encouraged in the interests of the child.

Reference:

¹ Chapon N., *Parentalité d'accueil et relations affectives*, PUP, Aix-en-Provence, February 2014. A more detailed version of this article is available at the ISS/IRC. For further information, please contact Natalie Chapon at nathalie.chapon@univ-amu.fr.

South Africa: A programme to curtail the challenges that the adoptive child and his new parents experience after the first meeting (II)

*Following the first part of the article, which was published in the previous issue of the Monthly Review, this second part describes the practical programme aimed at supporting the child and his prospective adoptive family **once the prospective adoptive parents have arrived in South Africa.***

At Abba Adoptions, we work based on a holistic and team approach, with a focus on preparation centred on the persons involved. In partnership with our international partners, we prepare and support families, as far as possible, to minimise the trauma and make the integration of the child into his new family a special moment of 'birth' in a loving, but structured and secure, environment.

Parent care and therapeutic support

A family representative is allocated to the family for the duration of their stay – regardless of the age of the child. His main task is to support and ensure that the adoption process progresses as smoothly as possible, from the arrival to the departure of the prospective adoptive parents. He will visit the family on a regular basis, starting by welcoming them after their arrival at the guesthouse. He works closely with the social worker responsible for the legal process, and will



arrange all appointments during the stay in South Africa, in order to support and monitor the bonding and adjustment process. He will also provide parental guidance, and assist with all general enquiries. The family will have his contact number, and he will be available depending on the family's needs, providing general support and assistance in all adoption-related matters. He is assisted and supported by experienced adoption social workers.

Preparation for the placement

A meeting with the social worker and the carer (without the child) will take place to discuss the following:

- Introduction of role players and role clarification;
- Discussion of the placement programme and calendar – nothing is fixed, the child will determine the process and timeframe;
- The carer introduces the child to the parents, his routine, medication, etc;
- The expectations and anticipations as to the first meeting and separation from the carer for both the child and the parents are introduced by the carer and the social worker,
- Any specific behaviour and reactions of the child towards positive and negative emotions, communication are presented by the carer,
- Grieving in the first weeks/months – crying, withdrawal, poor appetite, seeking behavior, sleep difficulties, fear or infantile behaviour (bed-wetting, baby talk, thumb sucking) are addressed by the social worker,
- The essence of bonding therapy and the basic skills to help the children deal with emotions regarding new situations,
- Skills training on bonding therapy are presented by the social worker,
- The importance of structure, routine and consequent discipline.

Introduction and placement in accordance with the needs and development of the child

In order to make the transfer as smooth as possible, the actors are limited during the placement process. The family representative will facilitate the process and also assist with the taking of photos. The social worker in charge of the adoptability will, whenever possible, also be present. The carer from the relevant

alternative care setting will help with the transfer of the child to the parents and discuss all the practicalities regarding the child and answer any questions about the child's day-to-day care.

The placement of babies

The placement process will vary according to the needs of the child. The carer plays an important role in making recommendations and preparing the child prior to meeting the parents. Children will be prepared for the placement with photos, stories and discussions about their new parents. For older babies, the caregiver will prepare the child with the assistance of the social worker.

The timeframe of the placement will vary in accordance to the age and needs. The gradual introduction and placement for more than one day will be discussed, if needed. From our experience, we have seen that where babies were prepared, it is less traumatic to place them on the same day, on which they are introduced to the parents, since they experience rejection and confusion if the parents 'come and go. However, this is absolutely a case-by-case situation and will vary from child to child.

Placements will take place at the guest house/children's home where the child resides in order to minimise the trauma for the child and to give him the opportunity to meet his new parents in a well-known environment. The actors are limited. The time spent on the placement will depend on how the child interacts with the parents, and will be managed and monitored by the social worker/family representative. If the child has special emotional needs, an individual placement plan will be forwarded with the baby study to prepare the parents. The need for bonding therapy and extra support will be discussed with the parents, depending on the needs of both parties.

The placement of toddlers (3 years and older)

An individual placement plan is prepared in accordance with the recommendation of the carer and the needs of the child. A gradual introduction and placement is combined with therapy and parental guidance¹.



The duration of the stay in South Africa

Parents are expected to remain in South Africa for an average of four weeks, depending on their specific process and situation. This timeframe is pre-determined, as it is required by both the South African Central Authority and Abba in order to register the adoption and apply for the travel documents.

Another purpose of the timeframe is that parents need to spend as much time as possible in the child's country of origin, getting to know the country, its diverse culture, customs and people. We recommend that families buy newspapers, take photos, buy souvenirs or cultural items, and keep them safe as part of the child's roots.

This timeframe is also required to have enough time to become familiar with the new family members, to focus on the bonding. It also enables to relax as a family, before returning to the

normal daily routine and the involvement of friends and family.

Visit to the place of temporary care

If the placement was not undertaken at the child's residential home, parents will have the opportunity to visit the home, where the child has resided, during the last week before they travel back. The purpose of the visit is to see the facility and how it functions. Parents will also meet the carers, who helped care for the child.

The family representative and/or the social worker may recommend that parents do not take the child back to the home as this may upset the child. Normally, this recommendation is made for children older than 15 months. Should this be the case, the parents can take turns to view the facility, while the other one waits outside with the child.

The importance of preparation, guidance and support cannot be underestimated in ensuring a positive first experience for both, the child and the parents. This means teamwork and the ability to deal with each family according to their needs and experience with children. The placement experience will have an impact on the bonding process, and, therefore, all measures should be taken to facilitate it in a loving and professional way.

Reference:

¹ An example of a placement plan is available at the ISS/IRC.

INTERDISCIPLINARY RESOURCES

Current status of research on openness in adoption in the United States

The ISS/IRC is aware of the private nature of some adoptions undertaken in the U.S.A. – a practice that is not compatible with international standards – but wishes to highlight the importance of the research undertaken on the impact and implications of open adoptions on the persons involved, in particular the children. The Donaldson Adoption Institute (DAI)¹, an independent organisation in the U.S.A., therefore presents the main outcomes of a study undertaken on this issue and published in 2012².

The family of adoption has changed dramatically over the years. Historically, the face of the adoptive family was a white, middle-class couple adopting an ethnically similar infant. You might say that adoption in the past was hidden, often indistinguishable from those who began or expanded their families biologically. If children were told they were adopted, it was a brief conversation, which rarely included any information pertaining to their first/birth family.

Towards increased openness

Today, the many faces of adoption include a far more representative group. Adoption is increasingly more difficult to hide, either intentionally or by design. The combination of changes in societal trends (birth control, legalisation of abortion, social acceptance of single mothers) as well as increased research in psychology and social work³ since the 1960s/70s, led practitioners working in adoption to begin offering more open arrangements. Further, changes in technology as well as advancements in



DNA testing have shown us in recent years that adopted persons and birth families have many ways of connecting with each other.

Research studies in the U.S.A.

The research base on openness in adoption is vital to ensure perceptions of this concept are accurate as well as to guide practices for those who engage in an adoption. According to research conducted by DAI, 'open adoption' has increasingly become the norm in infant adoptions in the U.S.A. Among 100 agencies that responded to a survey conducted by DAI in 2012, respondents said confidential adoptions constituted only 5% of their placements during the past two years, while 55% were fully disclosed (open) and 40% were mediated (semi-open). Honesty and openness in adoption have been found to have a largely positive impact on children and families.

The Minnesota/Texas Adoption Research Project is a longitudinal study that focuses on the impact of openness in adoption on all family members involved. A variety of publications have resulted from these large-scale studies, which consider various levels of openness. Although variations exist within each level of openness, many positive outcomes in a variety of realms have been uncovered in these studies. For instance, it was demonstrated that children in open adoptions with a high level of collaboration between birth and adoptive families have a greater sense of adjustment. Outcomes from these studies also demonstrate a greater sense of permanence in the parent/child relationship (for adoptive parents), and lower adoption-related grief and loss (for first/birth mothers).

Building successful relationships

DAI's research recommends several key areas that contribute to positive experiences in open adoption. Ensuring adoptive parents and first/birth parents understand the benefits as well as the potential challenges that may arise

throughout the relationship is a vital first step. Similar to other relationships, it is also important to explore and instill values and qualities that are known to enhance any relationship experience. These include trust, honesty, empathy and respect.

An ability to be flexible and understand this relationship as fluid is also an important component for families navigating this experience. Collaborative communication then will be an important aspect for all members of the extended family of adoption. Finally, commitment to this relationship, with a focus on decision-making in the best interest of the child, is vital to achieve healthy relationships in open adoption. Maintaining a child-centred focus means that birth and adoptive families need to demonstrate respect and empathy for each other; it also means that each parent should maintain a connection to each other via their shared connection to the child.

Professional guidance, a key element for supporting families

However, as we move as a society from considering adoption a closed and secretive system to an open one, it is essential that families are armed with the tools necessary to develop and maintain healthy relationships. While we know openness in adoption, and certainly in life in general, is healthy, it can also be hard. Openness in adoption, where, according to the author, many families become one, challenges certain social norms and traditions surrounding family and parenting. Many times, when birth and adoptive families do not have any support or education surrounding openness, they may feel unable to respond to situations that occur in their relationships with each other. Therefore, it is vital that professionals in adoption have the resources and knowledge base to provide the right tools to support families over time.

The ISS/IRC recognises the interests of research studies conducted on open adoption, particularly given the emphasis on the practical outcomes for the adoption triangle. Despite the importance of moving towards openness in adoption, it must be stressed, as pointed out by DAI in this article, that the child's best interests in an open adoption can only be safeguarded with professional and quality support.

References:



¹ For further information on the Donaldson Adoption Institute, see: <http://adoptioninstitute.org/>.

² *Openness in adoption: from secrecy and stigma to knowledge and connections*, DAI, March 2012, http://adoptioninstitute.org/pubs_cat/openness-in-adoption/.

³ Beginning in the 1960s, researchers and psychologists began recognising that the historical way of practising adoption may not be healthy for the parties involved (first/birth parents, adoptive parents and adoptees). Psychologists and social workers recognised that maintaining secrecy in adoption did not allow for effective integration in the adoptive family, and also contributed to a greater sense of grief and loss for first/birth parents, among other concerns.

FORTHCOMING CONFERENCES AND TRAININGS

- **Australia:** *Tell Someone Who Cares: Caring for Our Children*, 18th Conference of the International Foster Care Organisation (IFCO), Sydney, 8 – 11 November 2015. For further information, see: <http://www.ifco2015.com/>.
- **Costa Rica:** *Global Summit on Childhood – Creating a better World for Children and Youth Through Sustainability, Social Innovation & Synergy*, Call for papers extended until 16 October 2015, Association for Childhood Education International, San Jose, 31 March – 3 April 2016. For further information, see: <http://www.acei.org/programs-events/summit.html>.
- **France:** **a)** *Adoption, attachement et mémoire du corps*, COPES, Paris, 30 November – 3 December 2015; **b)** *L'équipe en placement familial*, COPES, Paris, 16 – 19 November 2015; **c)** *Handicaps et cultures: Approches théorique et clinique, ici et ailleurs*, COPES, Paris, 25 – 27 November 2015. For further information, see: http://copes.fr/Famille_societe/Adoption; **d)** *Enfant porteur de handicap et approche pikleriënne*, Pikler Loczy, Besançon, 26 November 2015. For further information, see: <http://www.pikler.fr/activites/formations.php>; **e)** *Accompagner les parentalités d'aujourd'hui*, ALPA Le fil d'or, Programme of activities (September 2015 – December 2016). For further information, see: www.alpa-lefildor.fr.
- **Kosovo:** *Multi-Agency collaboration in child protection in South-eastern Europe*, Call for papers, Terre des hommes Kosovo, Child Protection Hub, DCI Netherlands, Pristina, 9 – 10 November 2015. For further information, see: <http://childhub.org/?language=en>.
- **Morocco:** *Médiation Familiale et son rôle dans la stabilité familiale*, International Conference, Ministry of Solidarity, Gender and Social Development and National Forum on Family and Children, Rabat, 7 – 8 December 2015. For further information, see: <http://www.social.gov.ma/index.aspx> or +212 537 276 752.
- **Niger:** *Child marriage: African girls' summit – Promoting collective efforts to end child marriage in Africa*, African Union, Niamey, 26 – 27 November 2015. For further information, see: http://www.africanchildinfo.net/index.php?view=details&id=208:african-girls-summit&option=com_eventlist&Itemid=118&lang=en#.VRqANOEYN5M.
- **Spain:** *Reproductive rights: New reproductive technologies and the European fertility market*, Erasmus University Rotterdam et al., Santander, 19 – 20 November 2015. For further information, see: http://www.erasmusobservatoryonhealthlaw.nl/Uploads/CONFERENCE%20ANNOUNCEMENT%2023_07_2015.pdf.
- **Switzerland:** *L'Autorité parentale conjointe – et les droits de l'enfant?*, Swiss Foundation of the International Social Service, Geneva, 20 November 2015. For further information, see: www.ssis.ch.

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