



ANNEXE V : Alternatives en cas d'absence/destruction des informations (Question 6 de la Circulaire)

Afrique du Sud	Available alternatives for adoption information in South Africa are the Child Protection Organisations that facilitated the adoption and the Department of Home Affairs which registers the adopted child under the names of adoptive parents after the adoption is finalised.
Allemagne	Fortunately we have explicit regulations on how and how long adoptions files have to be kept. But with respect to adoptions finalized before these regulations came into force, especially those finalized about 30 years ore more ago, there is a risk that files were already destroyed without a chance of further information.
Andorre	Cette situation ne s'est jamais produite car toutes les informations sont conservées dans les archives du Ministère.
Australie	
South Australia	The first adoption legislation came into force in South Australia in 1926. Prior to this, many informal adoptions were completed the records of most of which are in the custody of the Department, although a significant number of such arrangements would not have been formally documented. For adoptions completed after this date, it would be unlikely not to find information on the origins of the adopted person. It is possible that material about the matter may have been kept in other government departments, such as the Courts Authority or the Health Authority, or the Aboriginal Affairs Authority. Efforts would be made to assist the person to explore these possibilities.
Tasmania (Australie)	Up to this point in time records with identifying details of the birth mother of Tasmanian born adoptees have all been found. These records have been stored securely. However, if the birth mother was not married to the birth father then his name was not required to legally complete an adoption. There have been many instances where it has not been possible to establish the name of the birth father. In the case of inter-country adoptions, the Adoption Service in Tasmania is reliant on the information provided by the authorities in the country

	<p>of origin of the adoptee. Sometimes there is no identifying information such as in the case of abandoned children. Counselling is provided on the circumstances of the adoptees' adoption, possible reasons for no information on origins and options for searching. Referrals can be made on behalf of the adoptee to the post adoption services in the country of origin and to international organisations such as ISS or Red Cross.</p>
Victoria (Australia)	<p>Without records it is very difficult to locate related parties to an adoption. FIND maintains a "Register" that records all applicants to FIND that seek access to adoption information. The register is a database that enables the electronic identification of a match by related parties. The match is based on date of birth, birth mothers name and adoptive name. Assuming there is a correct date of birth, it may be possible to use the register to identify a "match" if both parties register.</p>
Western Australia	<p>The extent of adoption information available can vary. Some individual client files held by the Dept were historically destroyed and therefore in some cases, information may be limited. The extent of information available for private adoptions, which ceased in WA in 1985, is also limited. However, adoption court records and birth records containing adoption amendments are accessible by the Dept. Therefore, where an adoption order has been made in accordance with adoption legislation, there would be some information available.</p> <p>Release of information, however, is subject to provisions of the Act. Where adoption information is limited such that identifying information may not be releasable or authorised under the provisions of the Act, Post Adoption services may offer further services such as search, outreach and mediation to parties.</p>
Communauté flamande (Belgique)	<p>The VCA tries to find information on the adopted person's file but when this is not possible, there are not many alternatives. There is one project for adopted persons who are looking for their parents and for biological parents looking for their adopted children. But for intercountry adoptees this is not very useful.</p>
Communauté française (Belgique)	<p>Un soutien psychologique est mis en place par l'OAA, pour expliquer à l'adopté pourquoi on ne peut avoir accès à ces données ; par ailleurs, l'OAA peut souvent transmettre à l'adopté des éléments de son histoire, ou de son histoire la plus probable, selon sa connaissance des causes et spécificités de l'abandon dans le pays en question.</p>
Brésil	<p>Na legislação não está prevista a destruição do processo. Casos específicos serão avaliados no próprio Juízo da Infância e da Juventude.</p>
Burkina Faso	<p>Dans un tel cas, il est difficile pour les agents sociaux de faire des recherches sur le terrain sans un minimum d'informations. Si la famille adoptive dispose d'informations comme l'extrait du jugement d'adoption, l'acte de naissance établi après l'adoption au BF ou l'enquête sociale, des recherches peuvent être entreprises à partir de la justice, des avocats, des notaires ou des</p>

	communes.
Canada	
Alberta (Canada)	In addition to paper files, records are stored electronically and on microfiche. All efforts have been taken to ensure that information is not lost or destroyed.
Saskatchewan (Canada)	Social Services keep the paper file in a central location, but all adoption files are also scanned into an imaging system. The intent of the imaging system is to ensure there is a record of the paper file should it become destroyed. If a file could not be located, then Social Services (post-adoption) would make efforts to locate information from the adoption agency that might have been involved, or through some other avenue (such as with the assistance of the Consulate office).
Prince Edward Island (Canada)	If such records held by the Central Authority of the country where the adoption was finalized have been lost or destroyed, PEI would provide the record to the adoptee if such a request was made by the aforementioned Central Authority. If a facilitating agency was involved, they may also have a copy of the adoption information.
Newfoundland (Canada)	File information is vaulted. Information is also kept on microfilm in a separate location.
Québec (Canada)	<p><u>Adoption internationale:</u> Le Secrétariat à l'adoption internationale demande aux autorités compétentes du pays étranger si elles possèdent des informations qui peuvent être remises à la personne adoptée. Des interventions auprès des organismes d'adoption, des crèches et des orphelinats peuvent aussi être faites pour recueillir le maximum de renseignements, en respectant la législation québécoise et celle du pays d'origine. Si les démarches sont infructueuses, si elles ne sont pas possibles dans le pays d'origine ou si une personne recherchée est introuvable, l'information est transmise au demandeur sous la forme d'une déclaration assermentée confirmant le résultat négatif de la recherche. Au besoin, le demandeur est rencontré et un suivi psychosocial peut être proposé à celui-ci.</p> <p><u>Adoption nationale:</u> Le centre de la protection de l'enfance et de la jeunesse régional tente de recueillir sur le terrain le maximum d'informations pour satisfaire la demande du requérant pour pallier les lacunes constatées dans le dossier d'adoption. Si les démarches sont infructueuses ou si une personne recherchée est introuvable, l'information est transmise au demandeur sous la forme d'une déclaration assermentée confirmant le résultat négatif de la recherche. Au besoin, le demandeur est rencontré et un suivi psychosocial peut être proposé à celui-ci.</p>
Croatie	The Centre for Social Welfare is responsible to keep the record of adoption permanently. The Centre also delivers valid decision to the Registrar's office, who is responsible to conduct the change of the fact on the child birth. In case the files are impossible to find or are destroyed in the Centre for Social Welfare, these documents can be found in the Registrar's

	<p>office. Adoptive parents possess the decision on adoption issued by the Centres for Social Welfare which contains main data. Documents on adoption and child birth certificate both authorities keep as the official secret.</p>
Espagne	<p>Oficialmente, no se propone ninguna alternativa. La principal tarea que debería hacerse respecto a esta situación es una preparación psicológica previa a conocer esa desafortunada información, de modo que el adoptado pueda ir medianamente preparado a encontrarse frente unas expectativas frustradas, y pueda así solventarlas con menor dificultad (por ello, la importancia de nuevo de un mediador familiar, y de apoyo psicológico).</p> <p>En algunas ocasiones, alivia acercarse al lugar del que se tiene más constancia que proviene su origen (pueblo, orfanato, casa-cuna...), y a veces llegan a contratar detectives privados que les ayudan a obtener más información.</p>
Honk Kong	<p>If all files destroyed, there is nothing that can be done. If the birth parents have been moved and the contact details not valid, the Social Welfare Department will seek assistance from the Immigration Department to seek if they are still in Hong Kong or any other possible information be obtained.</p>
Italie	<p>In intercountry adoption, the Commission may contact the Central Authority or competent body of the country of origins in order to have more information, especially when the request of additional or new information is based on medical reasons.</p>
Nouvelle-Zélande	<p>This is very rare in New Zealand for adoptions after 1955 as if the adoption agency's records were lost, or destroyed, as has happened in the past, the adopted person's birth registration contains the information, and sometimes also the court holds records. Birth registrations are never destroyed. However, prior to 1955 when the adoption legislation was passed in NZ, some records were lost and in some cases we will be unable to assist.</p>
Pays Bas	<p>At least counseling is available to accept it and to come to terms with it (eg by Fiom).</p>
Suède	<p>In case the adoptive parents have lost the background information it is stored by the Local Social Welfare Board and the adoption association, if the adoption was mediated by an association.</p>
Suisse (Genève)	<p>Si les informations sur les origines sont introuvables ou ont été détruites, l'Autorité centrale genevoise peut éventuellement proposer un soutien par le biais d'entretien avec des chargées d'évaluation. Les personnes concernées seront généralement orientées vers un organisme privé comme Espace Adoption pour un tel soutien. Dans certains cas, les personnes pourront aller au moins à la rencontre de leur pays d'origine, certains d'entre eux proposant des programmes à cet effet, de qualité variable.</p>
