

## Monthly Review N° 2/2009 February 2009

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### EDITORIAL

## Towards an evolution of the position of the child's family and culture of origin in intercountry adoption?

*Recent legislative and practical developments have shown that a more important position is now granted to the family and culture of origin of the child. Are we witnessing a new perspective of intercountry adoption – one that is closer to its intercultural dimension?*

The child's pre-adoptive personal experiences hold an increasingly important place, in accordance with the 'desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background' (art. 20.3 CRC). The legislative and practical developments in this area are a proof of this. The needs expressed by adoptees and reflections on the different cultural concepts of adoption have led to the development of new forms of adoption, which grant more space to the family of origin or facilitate the adoptee's access to information relating to his culture of origin. Can we see a better awareness of the cultural diversity of adoption, which is often limited to a very Western concept? Whatever it is, a deep

reflection of the country of origin's traditional and family values and possible forms of filiation should be an essential consideration with a view to a successful adoption.

### Adoption and identity

Even though not every adoptee feels the need to initiate contact with his biological parents, when it does occur, it often becomes a real search for identity and culture. The accounts of adoptees at the time when they initiate this search are heart-breaking: the need to know their story, to understand where they come from, the sense of not 'feeling complete', and the difficulty to 'assume' their adoption. Their life may suddenly focus on these questions, and sometimes generate crises which are difficult to overcome, as

evidenced by the professionals (family mediators, speech therapists, psychologists). Even though in the recent past adoption was still kept secret (at least, in the West, the belief dominated that the child's life started when he arrived in the adoptive family), contemporary legislative reforms now recognise the right of adoptees to have access to their origins, in more or less limited conditions. Thus, greater attention is drawn to the collection of information on the child's pre-adoptive personal experiences, as well as to the modalities relating to their disclosure and the respect of the rights of those involved.

Countries of origin are also developing programs for visits to the country, the institution and even the family who cared for the child before his adoption. In some cases, a meeting with the biological family may be organised, depending on adequate psychosocial support. The latter is essential given how important the emotional implications are, and these may sometimes even have disastrous consequences (see Monthly Review N° 3/08). For example, Chile, Colombia, Thailand and Taiwan offer this type of services within the framework of their Central Authorities' post-adoption follow-up.

On the receiving countries' part, and as advocated for by the professionals, it is now a standard practice to inform the child from a young age about his or her adoption. Catalonia, a Spanish autonomous community, even foresees making this information by adoptive parents compulsory in its law reform project to amend the adoption law. Even though the Western concept of adoption still prevails— in particular by promoting the substitution of the biological filiation by the adoptive one— these developments demonstrate a reconsideration of the space to be given to the family of origin.

### **Adoption and culture**

As for the culture of origin of the child, it is a more complex issue, which still requires important reflection in order for all the cultural variants of adoption to be taken into account.

The increase in the number of countries amongst the African continent in the receiving countries' statistics renews the debate relating to a unique concept of adoption. Whilst full adoption constitutes a type of legal fiction, which terminates the filiation ties between the child and his biological parents, it may remain incomprehensible to many societies, for which

the fact of entrusting a child to other adult members of the extended family or the community is a common cultural practice. In these cases, the final severance of the child's ties with his biological parents is not envisaged, as the child remains a part of his parents' life, to whom he may return at any time. It is a matter of two divergent concepts of adoption, which must be taken into account and expressed when carrying out an intercountry adoption. Even though, in legal terms, the contracting countries to the THC-93 may proceed to the automatic conversion of a simple adoption into a full adoption, this practice may however remain inconceivable in the eyes of the parents of origin (see Monthly Review N° 1/2006). These different cultural concepts meet again at other levels such as granting the authorisation to adopt to homosexual couples, to single persons, to unmarried couples, etc. This multiple reality for intercountry adoption entails, that all the countries involved should consider the cultural values of each other and their effects on adoption. From this perspective, it would be important to establish adoption mechanisms, which are respectful of everyone's cultural concepts.

### **The need to foresee new forms of adoption**

The Anglo-Saxon countries (United States, Great Britain, Australia, Canada, New Zealand) have the concept of 'open adoption', which allows informal relations with the child and his biological parents.

Open adoption relies on precise modalities, in particular the establishment of an agreement between the biological parents and the adoptive parents, in relation to the organisation of contacts between the child and his biological parents, supported by competent social professionals (see Monthly Review N° 1/06).

In Quebec, the new child protection law offers alternatives to full adoption, through the establishment of new mechanisms aimed at carrying out adoptions commensurate with each child, his needs, characteristics and cultural origins (the ISS/IRC will present this new law in an upcoming Review).

On the European side, two recent decisions of the European Court of Human Rights have been pronounced in favour of maintaining some of the adopted child's ties with his parent of origin (see Monthly Review N° 10/2008). With regards to countries of origin,

South Africa has introduced a 'post-adoption contract', to be submitted to the judge's approval, and which foresees, among others, the modalities of communication and visits between the biological parents and the child, subject to the latter's consent.

Whereas each situation is a particular case which calls for a specific response to the affected child's needs, it is important that the countries involved in intercountry adoption open themselves up to a genuine intercultural,

respectful and fair dialogue, by showing imagination and creativity whilst placing the children, the adoptive parents and the biological parents at the heart of their reflections. To envisage new forms of adoption, which guarantee the child's legal security and his full personal development, is essential to prevent the imposition of a dominant culture of adoption.

The ISS/IRC team

## ACTORS IN MATTERS OF ADOPTION

Source: Permanent Bureau of the Hague Conference: [http://hcch.e-vision.nl/index\\_en.php?act=conventions.authorities&cid=69](http://hcch.e-vision.nl/index_en.php?act=conventions.authorities&cid=69).

- **Australia, Costa Rica, United Kingdom, Mexico and Poland:** This country has updated the contact persons of its Central Authority.
- **Austria and Switzerland:** This country has modified its accredited bodies.
- **Republic of Macedonia and Liechtenstein:** Accession by these two countries to the Hague Convention on Intercountry Adoption and designated its authorities.

## IN BRIEF

### **Liberia: Moratorium on intercountry adoptions from January 2009**

Since 26 January 2009, the Government of Liberia has suspended the processing of intercountry adoptions based on the recommendation of the President's Special Committee on Adoption. Concerns have been raised about the legality of adoption proceedings and possible fraudulent practices. Liberia expects to resume adoptions after its new adoption law as well as accompanying policies and guidelines have been established.

Source: US Department of State <http://adoption.state.gov/news/liberia.html> and Evan B Donaldson [http://www.adoptioninstitute.org/newsletter/2009\\_01.html#liberia](http://www.adoptioninstitute.org/newsletter/2009_01.html#liberia)

### **A new law on the protection of children in the Democratic Republic of the Congo (Kinshasa)**

On 10 January 2009, the Congo adopted a law the protection of children. Articles 18 to 20 treats adoptions and complements articles 650 to 691 of the Family Code, which continues to be in force. The new articles introduce the subsidiarity principle, the necessity of including the child's opinion and other criteria for prospective adoptive parents. In addition, the new law prohibits adoptions by homosexuals and persons suffering from psychic ailments.

Source: Official Journal of the Democratic Republic of the Congo 12 January 2009

### **Ukraine: Recent resolution introduces new regulations for domestic and intercountry adoption**


The new Resolution N°905 from the Ukraine Cabinet of Ministers went into effect 1<sup>st</sup> December 2008. This new instrument sets up regulations for the registration of abandoned children at the local, regional and central levels. It also describes adoption proceedings for both domestic and intercountry adoption. As no English version of this resolution is available, the ISS/IRC cannot provide a complete analysis of its contents and proposes a brief overview of the mains changes. Based on information provided by a contact in the Ukraine and the US State Department a clear priority is being given to domestic adoptions as well as a revision of the list of documents that the prospective adoptive parents (PAP) have to submit to the Ukrainian Central Authority, profile of children in need of adoption better identified with a clarification of their registration process in the central database and the regulation of the post adoption reports process. Unfortunately this new resolution apparently does not regulate the intervention of private adoption bodies or attorneys. Finally, according to the latest statistics from the Ukrainian Central Authority, the Central database

of children available for intercountry adoption shows that 89% are older than 7 with no healthy children under three and very few under six included.

Source: US Department of State, <http://adoption.state.gov/news/ukraine.html>.

## PRACTICE

### **A Swiss Accredited Adoption Agency focuses its activities on the adoption of older children and sibling groups: a practice on the road to expansion?**

*After five years work as a Swiss accredited adoption agency for Colombia, Alps-Adoption has decided to reorient its work by concentrating exclusively on treating adoptions of children six years of age or older or siblings.* 

**T**he latest statistics on inter-country adoption show clearly that the profile of adoptable children is changing and the augmentation in age is well established (see Bulletin, 7-8/2008). It is in this light, that at the Congress on Inter-country Adoption organised in Colombia by the Central Authority on 4 -5 November 2008, Elvira Forero Hernandez, the Director of that Authority, called upon the professionals from receiving countries to sensitise applicants so that they would consider opening their adoption projects to include an older child, by specifically explaining that the possibilities of adopting small children would continue to dwindle. This new reality of inter-country adoption implies an evolution in the project of adoption applicants in receiving countries, a step which Alps-Adoption, a Swiss accredited agency for Colombia created in 2003 has firmly committed itself to, as is witnessed by the testimonies of Sibylle Willi and Claire Brulhart who are responsible for adoption applications within the agency:

“At the beginning of our activities, couples who turned to Alps-Adoption mainly adopted children who were just a few months old after a supportable period of waiting (roughly 12 to 18 months). But quite rapidly the waiting periods began to grow longer for applicants for inter-country adoption especially as more people became interested in the former, despite domestic adoption spreading in Colombia. At the present moment, the waiting period for the adoption of healthy children under six years of age is between 3 to 4 years. This is the compensating result of adoption measures that respect the principle of subsidiarity. For future parents who often have a long and painful path behind them, this waiting period is extremely difficult to live

through, moreover since most of the time it is quite far removed from the time frame announced at the beginning of the procedure.

Our latest visit to Colombia in January 2008 marked a decisive turning point in our activity. Following our meetings with the professionals of the Central Authority in Bogota and with the social workers “on the ground” in direct contact with the children in a state of abandonment, we took the decision not to accept anything but applications from couples for the adoption of children aged six and older or siblings. We were struck by the imbalance between the requests that are made to Colombia and the country's needs. According to the latest statistics published by the Colombian authorities, there are approximately 2300 foreign couples accepted on the waiting list for the adoption of a healthy child of less than three years of age, and about 5 000 so called ‘special needs children’, waiting to find parents (children older than seven years old or suffering from health problems, sibling groups of more than two children).

This very basic decision has not been without its consequences for Alps-Adoption: the number of new adoption applicants has plummeted, given the fact that the project to adopt a child who is already older attracts the interest of few couples at this time; where the financial income has dwindled to the point where the professionals of Alps-Adoption can no longer be paid. It's difficult to envisage the future with these conditions, but that does not put into question our decision. If we believe that the adoption of older children can enable the creation of solid and flourishing families -- and we prove it in our everyday practice - it is to a large extent due to the confidence we have in the work that has been done in Colombia among abandoned children. That allows us to overcome our concerns and

prejudices linked to the adoption of these children. The work accomplished by the Colombian professionals (psychologists and social workers) ensures first of all that each child can understand and digest the situations he has lived through, the rupture of his original surroundings, and secondly, that the child be prepared to weave new ties with a new lifelong family.

Of course, adopting an "older child" cannot be improvised and requires special attention on the part of the accredited adoption agency, particularly when it entails presenting the child's file to future parents and checking if they will really be able "to establish a family together". It entails for us the preliminary job of deciphering files and asking for additional information if necessary. The initial period after the first meeting between the child and his new parents is risky and therefore the installation of a network of support is of primary importance during this time, even at a distance. And it's not unusual for us to spend an hour a day on the telephone with couples in Colombia. We also rely upon the professionals of "Espace Adoption"\* (Adoption Space), for example, to intervene and support the new family at this stage.

A few figures to conclude: in five years of activity, Alps -Adoption has followed closely

the arrival of 29 children in Switzerland, 20 of whom were "little ones" (0-36 months), 4 "average age ones" (3-4 years) and 5 (older children) (7-10 years). A whole world separates us from this period of beginnings despite being so close. What makes the difference is the profound knowledge of the land of Colombia, the experience acquired with each couple, the teamwork and the permanent questioning of our own practice."

This respectful and attentive practice of the needs of children in the countries of origin is profoundly encouraged by the ISS/IRC, and is not done in isolation and is foreseen that the number of accredited adoption agencies in receiving countries who follow this line of activities will grow. Recently the Review number 63 of Adoptantis\*\* announced that two of the principal French accredited adoption agencies in 2007 had registered an increase in the number of adoptions of children with a disability, adoptions, which will be a priority in the future.

\* The Swiss Association for listening to and sharing with adoptive parents, the biological parents, the adopted children, as well as adoptive brothers and sisters.

\*\* Spanish Centre of information, preparation and support to adoption, based in Madrid.

## Resources for adapting the education system to include adopted children

*Successful adoptions do not end with the adopted child's integration into their new family but should include the school, amongst other areas. This article canvasses some of the existing material on various practices geared at promoting the child's smooth transition into the school environment.*

**W**hilst resources on integrating the adopted child into his new family are well known, information dedicated to the adopted child's adaption to the education system is less publicised. This important subject deserves attention given that adopted children have amongst others special educational needs, spend a good proportion of their time in this setting and often feel isolated within the school environment with studies showing fewer achievements than their peers. Post adoption services should equip adoptive parents and other professionals so that they can work with and prepare certain actors within the school. Rather than the school becoming an area where the child is excluded, it can be a means of helping the child form attachments and build resilience.

### Preparing the teacher

As the first contact at school, the teacher should be armed to deal with the specific needs of the adopted child and his family by furnishing him with tools. One tool that is currently available in Spanish is the "Adoptia, Guia de postadopcion para profesionales de la educacion y agentes sociales" (Adoptia, Post Adoption Guide for Educational Professionals and Social Workers) which identifies useful communication methods between the teacher, child and family. It provides numerous examples of how to motivate the child as well as address his emotional and pedagogic needs such as speech therapy. The Guide emphasises that the teacher can assist the process of the child's reconciliation with his past by

addressing issues of self esteem, tolerance levels and anger. The teacher can help the child to contextualise his history in a larger framework so that he understands he is not the only child who has ever suffered a loss.

Additionally, a pamphlet 'L'adoption: Guide a l'intention des enseignants' (Adoption: Guide directed at teachers) has recently been published by Enfance & Families D'Adoption available in French which is directed at reconstructing the dialogue between teachers and parents about the key elements of adoption, amongst other objectives. The Guide provides helpful resources and a comprehensive bibliography that families can share with teachers.

### **Preparing the classroom and curriculum**

The ISS/IRC acknowledges that the preparation of the classroom and scholarly progress is slow. However, certain short term initiatives can be implemented such as the promotion of respectful adoption language in the classroom. For example rather than saying real mother/father, birth mother/father should be used and adoptive mother/father should be replaced with mother/father for clarity purposes. Moreover when projects focusing on genealogies are undertaken, it is important that the possibilities of relationships in addition to blood relations are accepted.

The teacher should also be prepared to deal with the potential bombardment of questions in the classroom relating to the 'new student' that may not speak the same language or look the same. An "Educator's Guide to Adoption" available in English is a practical tool that has been designed to assist the teacher to cater for children that come from non traditional families such as adoption. It includes information on the history of adoption and provides resources for integrating adoption into the school curriculum as well as increasing the teacher's own understanding of adoptive families. Such activities should involve a conscious inclusion of adoption wherever appropriate and in a manner global so that the child is not stigmatised such as when discussing the issue of migration.

Adoption can be raised in the process of preparing students to accept racial differences that exist amongst the multitude of cultures worldwide. This can be done through projects that consider children from around the world focusing on their language,

what they eat, wear and their customs. Such projects will sensitise children and encourage them to accept that they are all inherently the same, despite their differences.

### **Preparing other parents and school community**

Another way to increase awareness about adoption is for the adoptive parent to participate in the Parents and Teachers Association meetings at the local school. As part of one of the meetings, an adoption social worker or psychologist could be asked to be a speaker at the meeting providing more inclusive practices. During the open day at the school, there could be a section on various cultures leaving an opportunity for intercountry adoptions to be discussed.

Furthermore one of the best ways to remove the stigmatisation associated with adoption is to educate children via literature, videos and the numerous children's books available on adoption. The adoptive parent can either donate some books to the library or make a suggestion of certain books that could be purchased.

### **Others actors**

It goes without saying that both the adoptive parent and adopted child should also be equipped for the school environment. In particular the adopted child should be prepared to answer questions such as where do you come from? Why were you adopted? Where are you real parents? The adoptive parent must also be willing to spend time with their child after school, not only to help with their homework but also emotional needs as the schoolyard can be a means of social exclusion.

However the responsibility of adapting the school environment does not rest solely with individuals. The Government should also develop initiatives, policies and practices that support the adoptive child's transition period.

The ISS/IRC believes that by giving the key stakeholders mentioned above access to the resources to integrate adoption into the curriculum and working them will improve the transition period of the child into yet another new environment: the school.

**Sources:** 'L'adoption: Guide a l'intention des enseignants' [www.adoptionefafa.org](http://www.adoptionefafa.org), Safe at School <http://www.adoptionssupport.org/pub/index.php>, Educator's Guide to Adoption

<http://www.adoptioninformationinstitute.org/education.html>, Evan B Donaldson  
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Adoptia, Guía de postadopción para profesionales de la educación y agentes sociales, Vitoria-

Gastiez 2006, Spanish Resources AFAAN, Asociación de Familias Adoptantes de Andalucía. [www.libreopinion.com/members/ironcero/bibliografia.htm#bibliografia\\_ninos](http://www.libreopinion.com/members/ironcero/bibliografia.htm#bibliografia_ninos) and French Resources Espace Adoption [www.espace-adoption.ch/index.php?master=interieur&publique=&rubrique=25](http://www.espace-adoption.ch/index.php?master=interieur&publique=&rubrique=25)

## INTERDISCIPLINARY RESOURCES

### **“Demystifying dreams in order to live through the reality better”: a toolkit that can be utilised by adoptive families.**

*The Quebecker social worker Johanne Lemieux has published a collection of texts, which provides a set of theoretical and practical elements to get to know, understand and interpret the needs and the behaviour of children through all stages of their adoptive life.*

**A**dopted children and their adoptive parents create families just like others, but with supplementary options. Starting from this assumption, the Quebecker social worker, Ms Lemieux has published a collection of texts, entitled "Demystifying the dream in order to live through the reality better" which constitutes a toolkit for these families. The document provides a set of theoretical and practical elements to get to know, understand and interpret the needs and behaviour of children through all the stages of their adoptive life, from the day they arrive in the family up to their adulthood. The collection also enables the parents to better understand and manage the difficult moments and the crises, thanks to the numerous checklists, illustrations and examples of which a non-exhaustive list is given below.

#### **A tool to understand the adopted child**

Ms Lemieux identifies a dozen characteristics of adopted children, which make it possible to understand their behaviour and their reactions in the face of daily events that they are confronted with. Amongst them, what the author calls the survival instinct can be found in the majority of adoptees. In fact, since their conception, the latter have often physically and emotionally lived through a series of obstacles that defy the imagination. For example many of them have survived drugs and other illicit substances that their mother passed on to them when she was pregnant and/or a painful or even violent separation from their mother. Another widespread characteristic among adopted children is their disturbed sleep pattern. During the first year,

and sometimes well beyond, adopted children experience serious difficulty in getting to sleep, live with nocturnal fears or frequent nightmares that reflect their emotive state and through which they relive events of their past.

Furthermore, according to Ms Lemieux adopted children generally find themselves in one of the three following categories: a *velcro child*, clinging desperately to their parents; a *solo child*, seeming to ignore his parents, while at the same time maintaining a very utilitarian relationship with them; a *sumo wrestling child*, who's disorganised, violent and resistant. If these different behaviours are not disturbing beyond bounds in the first months, their persistence could reveal the presence of serious attachment problems. Thus, it's important to rapidly identify them.

#### **A tool to successfully pass through all the stages of adoption**

Adoption is a process which consists of several stages, which Ms Lemieux brings together under the principle of SHPASE (acronym CAAASE in French):

- Shock of the first contact provoking a psychological and physical shake-up,
- Habituation characterised by a gradual reduction of the exacerbated behaviour of the child,
- Physical adaptation of the child to his new environment,
- Attachment which brings the child a deep feeling of security and of overall confidence,
- Severance which makes it possible to render the child more autonomous without making him rejected
- Equilibrium between dependence and autonomy

The ultimate aim of this process is that the child feels secure. It's equally a question about giving him roots, so that he knows who he is and where he comes from as well as the wings so that he has self-confidence and all the tools to fulfil the extent of his potential.

### **A tool to create a mutual, healthy, profound and solid attachment**

In this process, the creation of a strong and healthy mutual attachment is one of the greatest challenges. In fact, the adopted child arrives in his family with a life line damaged by several ruptures. Ms Lemieux, draws parents' attention to the fact that this line must be retied firmly and with care, but also reminds them that it will never be as solid as the undamaged line of a biological child. She invites them to experience it by testing the resistance of a line that is intact and that of a line broken in several places and tied again.

Unfortunately, the scale and complexity of this challenge is often underestimated and explained poorly to adoptive parents. Thus the author proposes a series of tools aimed at guiding the latter, particularly a list of some dozen fundamental conditions for the creation of a healthy attachment. The need to respond to the needs of the child before responding to the wish to become parents is one of the first. Very often, adoptive parents seek by means of adoption, to give some sense to their life, to feel recognised themselves and competent in their role of a parent. And from there onwards, they try to

create immediately an affective bond with the child, concentrating thus more on their own needs to become parents, without taking into account the more fundamental needs of their child, such as sleep, food and physical integrity. If the parents do not preoccupy themselves by replying to the primary needs of their child, the latter will oppose it wildly. Or will try to conform to their expectations. But will later finish up "cracking", explains Ms Lemieux. In the same spirit, the social worker underlines the importance of the emotive and physical availability of parents in the first month of their life together with the child. She proposes that adoptive parents offer a symbolic milking period where they receive the adopted child with the same state of mind that they would receive a biological child.

The set of tools proposed by Ms Lemieux invites and helps adoptive parents to interpret the behaviour of their children. In fact, only the understanding of the needs of their children, will allow them to respond adequately and to offer them a safe environment to create a bond that is healthy and strong. The parents can thus overcome the crises which mark the life of the adoptive family and offer the necessary conditions for the healthy development as well as the, personal and social flourishing of their child.

Footnote 1 this publication is on sale in the office of the Québec Association, the world is elsewhere ([www.meanomadis.com](http://www.meanomadis.com)). Contact: Julie [julie.leblanc@meanomadis.com](mailto:julie.leblanc@meanomadis.com).

### **FORTHCOMING CONFERENCES, SEMINARS, SYMPOSIA AND COURSES**

- **France:** *Adoptions d'enfants venant de l'étranger (Adoption of children coming from a foreign country)*, COPES, 11-15 May 09, Paris. See [www.lecopes.org](http://www.lecopes.org), E-mail: [copes-formation@wanadoo.fr](mailto:copes-formation@wanadoo.fr)
- **United States:** a) *The Hague Convention 1 year later: Successes and Drawbacks*, Ethica, 8/04/09, Michigan State. See [www2.gotomeeting.com/register/459296403](http://www2.gotomeeting.com/register/459296403), b) *36<sup>th</sup> Annual New England Adoption Conference – Understanding Adoption: Enhancing the Well-Being of Families*, 28/3/09, Maryland State. See [www.adoptioncommunityofne.org/pages/annual-ne-adoption-conference.php](http://www.adoptioncommunityofne.org/pages/annual-ne-adoption-conference.php)

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[www.iss-ssi.org/Resource\\_Centre/Resource\\_Center\\_EN/About\\_ISS-IRC/about\\_iss-irc.html](http://www.iss-ssi.org/Resource_Centre/Resource_Center_EN/About_ISS-IRC/about_iss-irc.html). See Activities

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