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**EDITORIAL**

**Celebrity adoptions: for better or for worse? **

*With the growing number of celebrities adopting children, it is more than reasonable to ask whether the wealth, fame and publicity attached to such actions is helpful or harmful.*

**G**iven the concentrated attention to adoptions by Madonna, Johnny Hallyday, Angelina Jolie and many others, it is important to again outline the framework of ethical adoption practices as applicable also to celebrities, despite it not often being the case (see Monthly Review 11-12/2006). What is it about certain celebrities that allow for them to jump long waiting queues as well often skip evaluation or preparation courses? This editorial seeks to identify whether their wealth, fame and publicity have been used for their personal advantage and if so, whether these three elements are beneficial and/or detrimental.

**Using wealth for what purchase**

Prior to adopting in Malawi in 2006, Madonna stated that she planned to invest at

least 3 million USD to support orphans in the country. Other celebrities have invested large sums into countries where they are planning to or have adopted children. At a first glance, such actions appear to be generous acts of charity for those living under impoverished conditions. Moreover it can not be denied that 'humanitarian aid' is necessary especially in developing countries. Many celebrities have used their economical power to help the least advantaged, with the best intentions, but sometimes without considering the potential consequences of their acts.

Whenever financial or other contributions are linked to an adoption, this can encourage the 'idea' that the country of origin should receive something in return for the adoption. This contributes to promoting an image of adoption that is linked with money. If the

public becomes accustomed to the fact that money (and lots of it) is necessary to undertake an adoption, then, prospective adoptive parents will be less suspicious when they are asked to give money. This can also lead to the routine expectation that money will be handed over without knowing whom will be paid and who will actually benefit. Another reaction to adoptions being linked with wealth is to say that if you are rich, you can adopt which creates the idea that paying for an adoption is equivalent to paying for a child, leaving the latter as another fashion item.

When celebrities are able to jump long waiting queues and in some cases have laws interpreted in their favour, to adopt a child, it is reasonable to ask whether their wealth has been used in a very transparent way.

### **Using fame for what kind of role model**

The popularity of celebrities is often effectively used to draw attention to worthy causes, which is why the example of Audrey Hepburn as a UNICEF goodwill ambassador will remain an admirable model of virtue in our minds. Likewise, when the well meaning objectives to help a child, as held by the great majority of celebrities are accompanied by ethical practices good role models in the adoption are created. When Nia Vardalos (My Big Fat Greek Wedding) adopted a child under 5 years from foster care, she implicitly raised the public's awareness that there were 129 000 children in foster care waiting to be adopted in the USA.

However, when celebrities adopt children from precarious backgrounds to promote their own brand/image, one is left wondering what kind of model of behaviour is being created and some doubt can be raised about their motivations. Such cynicism is especially valid in the case of certain celebrities selling pictures of the adopted child to popular magazines, or adopting children from countries where the procedure remains notoriously unregulated. It can be even more problematic if other prospective adoptive parents are then encouraged to follow such actions. It is unfortunate when celebrities use their fame to create poor role models for those involved in adoptions.

### **Using publicity for what purpose**

It has been said that Madonna has put Malawi on the map. Prior to Madonna's adoption activities in Malawi, many people had not even heard of the country, let alone

its millions of orphans due to HIV/Aids etc. Unfortunately, the media's depiction of the countries where children are being adopted from is not always accurate, nor is it objective. When the media portrays the ravages of a war or natural disaster or the deplorable conditions of certain institutions, one could not be blamed for thinking that adoption is surely necessary for such children. It is this dramatic kind of reporting that helps perpetuate myths that there are millions of adoptable children amongst unaccompanied and separated children and those in institutions as discussed in the Monthly Review 10/2008. The media has a certain responsibility of what topics they give attention to and what information they spread. When celebrities adopt children, it appears that the worldwide publicity is used to sell newspapers etc and attract the world's attention to the celebrities' image.

### **Using wealth, fame and publicity for the best interest of the child**

It is also important to ask whether the combination of wealth, fame and publicity is in the best interests of the individual child being adopted. Some celebrities will adopt children in a discrete manner such as Nicole Kidman, Hugh Jackman and Josephine Baker to protect the privacy of the family. Other celebrities allow the paparazzi to invade their homes and their children are subject to continuous worldwide publicity without having regard to the long term effects. In these cases, adoptions appear to be based more on personal desires and interests.

### **Using wealth, fame and publicity for a good cause**

The ISS/IRC discourages the direct support of institutions, adoptions agencies and specific adoption systems by any prospective adoptive parents where the potential for compromises are rife. The wealth, fame and worldwide publicity of celebrities should be used completely outside the framework of the adoptions in countries where they intend or have undertaken an adoption.

The ISS/IRC believes that the wealth, fame and worldwide publicity of celebrities can be used for good causes. Celebrities can use their wealth to strengthen the overall child protection system in countries by supporting law reform projects and social worker training. Celebrities can use their fame to promote good role models of how to support

least developed countries or adopt older children. Celebrities can use their worldwide publicity to encourage worldwide support for general fundraising projects for a country. It is clear that celebrities have a choice to use their adoption actions for better or for worse.

The ISS/IRC team

Source: Looking beyond the comparatively limited prospects for finding notoriously high-in-demand, young, healthy white infants?  
[http://webcenters.netscape.comuserve.com/celebrity/becksmith.jsp?p=bsf\\_celebadoption](http://webcenters.netscape.comuserve.com/celebrity/becksmith.jsp?p=bsf_celebadoption)

## 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).

- **France:** This country has updated the contact details and persons within its Central Authority
- **Switzerland:** This country has updated the contact details and persons within its Central Authority

## IN BRIEF

### **China: New matching system**

The China Center of Adoption Affairs has introduced a new online system for children with special needs. Contrary to the former matching system where the prospective adoptive parents could choose which child with a special need to adopt, the new system only specifies which children are older than 6 years and/or have a health problem. Adoption agencies will now receive all the specific information about the child and will have the matching responsibility.

Source: <http://www.dcsf.gov.uk/intercountryadoption/#200509>

### **Ethiopia: Restriction on the treatment of certain dossiers**

The Ethiopian First Instance Court has stopped receiving adoption dossiers from children abandoned and found within private orphanages in Addis Ababa. This decision is due to the substantial increase in the number of children being proposed for adoption and to avoid the consequent unethical practices. Notably, after a short period of suspension, the court has started treating the cases of abandoned children from public orphanages in the capital.

Source: <http://adoption.state.gov/news/ethiopia%20alert.html> and <http://www.adoptionboard.ie>

### **France: Creation of new central authority: Service à l'Adoption Internationale (SAI)**

The French Central Authority has adopted a new form under the Service à l'Adoption Internationale (SAI) (International Adoption Service). The SAI is under the direction of Jean-Paul Monchau, Ambassador charged with intercountry adoptions and collaborates with the Ministry of Social Affairs as well as the Ministry of Justice. This new arrangement is part of the framework for the reform of French intercountry adoptions. The decree 14 April 2009 outlines the attributes of the SAI which is to orient and coordinate the activities that are administrative and that of the Competent Authorities.

Source: <http://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000020522286&dateTexte=&categorieLien=id>

### **Guidelines for the Alternative Care of children sent to the GA for their adoption**

On June 17, the Human Rights Council (Geneva) adopted by consensus a procedural resolution submitting the "Guidelines for the Alternative Care of Children" to the United Nations General Assembly (UNGA) in NY for consideration with a view to their adoption on the 20<sup>th</sup> anniversary of the UNCRC in November this year. Whilst this resolution is a major step forward, more work and lobbying needs to be undertaken in NY to promote an even wider support for the text and encourage its final adoption at the UNGA.

Source: Resolution with text <http://www2.ohchr.org/english/bodies/hrcouncil/docs/11session/L-11.doc> and webcam of proceedings <http://www.un.org/webcast/unhrc/archive.asp?go=090617#pm>

## Quebec: Major amendments to the Youth Protection Act

*In 2006, Quebec's Youth Protection Act was considerably amended. This article underlines these changes and is based on the presentation by Ms de Bellefeuille, Director of the Secrétariat à l'adoption internationale at a gathering held by the Agence Française d'Adoption in Paris in 2008.\**

**A**fter the implementation of the Youth Protection Act [Loi sur la Protection de la Jeunesse, LPJ] over nearly three decades, an investigation brought to light some operational problems. These have been corrected in an innovative manner by amendments adopted on 14 June 2006. Two findings are obvious: first of all, some children have suffered from moving back and forth too many times between their biological family and the alternative care options. Secondly, the neglected child cannot be kept waiting, to become a victim of the slowness and discontinuity of the social and legal intervention, which unnecessarily extends the duration of the placement. The evolution of knowledge clearly proves how important it is to act rapidly, to ensure the child's stability and to secure the good development of his attachment capacity. Thus, the reform of the LPJ introduced two fundamental concepts: the concept of a permanent life plan for the child as well as maximum placement durations. Furthermore, the active participation of children and parents has been considerably strengthened.

### The concept of permanent life plan

The reform reiterates the exceptional nature of State intervention in family life and strengthens it by specifying the grounds for such an intervention: abandonment, neglect, psychological ill-treatment, sexual and physical abuse and serious behavioural disorders. Any child who finds himself in one of these situations is placed under the responsibility of by the Director of Youth Protection [Directeur de la protection de la jeunesse, DPJ]. Within the reform's spirit, the care measure, which has then been decided, must be guided by the 'continuity in care, the stability of ties, appropriate living conditions and permanency'. Beyond the need to clarify the life plan for the specific child, it is important to be promptly in a position to foresee his situation in the future, and to

determine the best immediate care environment for the child.

If an immediate placement is justified, several substitute family-type environments may be considered, depending on the chosen future life plan. Thus, the child may be entrusted to a *significant person* [*personne significative*], a foster family or a *specialist resource centre* [*centre de ressource spécialisée*].

Whatever the situation, whether maintaining the child in or returning him to his family environment will be given priority, as provided for in the general principles of the LPJ. Should the child's return to his family environment be impossible, other alternative life plans may be examined from the beginning of the intervention, such as adoption, guardianship and the child's *placement until he comes of age* [*placement à majorité*].

### READING SUGGESTION

**Parents by adoption, words for everyday life,** Blandine Hamon, *Enfance et Familles d'Adoption (EFA)*, 2009.

This work is based on interviews by Dr Hamon held over 10 years with adoptive families. In a neutral and clear manner, it treats the difficulties that parents can face in their relationship with their children. 12 chapters help parents to discuss the biological origins with their child, as well as the delicate concept of abandonment, different methods for asserting one's authority, how to cope with violent reactions, support the child's education and discuss with him issues of sexuality. This practical guide based on numerous testimonies should be useful for adoptive parents no matter what age the child is as the author proposes different forms of advice according to the age of the child up till adolescence. It will also be a useful daily support.

For more information:  
[www.adoptonefa.org](http://www.adoptonefa.org)

### The concept of maximum placement duration

In addition to the decision on the child's living environment, the maximum placement



duration is an essential element of the decision. In this regard, the reform of the LPJ constitutes a considerable step forward as it introduces maximum placement durations, beyond which the DPJ or the court have the obligation to ensure a permanent life plan for the children when their reintegration into their family is impossible.

Thus, when the child is in a dangerous situation, the care measure, which has been decided, cannot exceed one year. If after the expiry of this period, the child's safety and development are still at risk, the court must issue an order, which aims at permanently ensuring the continuity of the child's care. When the implemented measure is a placement in a *care institution* [*centre d'hébergement*], maximum placement durations have been established, depending on the children's age:

- 12 months, if the child is under the age of two years;
- 18 months, if the child is two to five years old;
- 24 months, if the child is older than six years.

In addition, accommodation in an *intensive supervision unit* [*unité d'encadrement intensif*] within a readaptation centre has been better framed as an exceptional resort as a result of observations that there has been, too frequent a resort to this type of supervision.

### Active participation of the child and parents

Thanks to the reform, the active participation of the child and his parents in

the decisions and the choice of measures that affect him has become one of the guiding principles, which must inform the psycho-social and legal professionals. According to the wording of the law, the DPJ must give priority to 'the means, which promote the active participation of the child and that of his parents'. To that end, the reform establishes several means aimed at the implementation of this principle. For example, it provides for the possibility to submit, to the court, agreements entered into by the DPJ, the child and parents in relation to the choice of immediate protection measures or voluntary measures. For this reason, the child's and his parents' consent and support to these measures are strengthened. Finally, in cases of transfer of the child from one *care measure* [*ressource d'accueil*] to another, the latter must be prepared, informed and consulted.

A good implementation of this reform should therefore prevent the child from finding himself in *the uncertain* and *the unknown*. From now on, a child who cannot return to live in his family environment should be sure that he will be heard and understood.

*\* The terminology specific to Quebec is mentioned in italics.*

*This article is inspired by the statements of Luce de Bellefeuille, Secrétaire à l'adoption internationale of Quebec. Source: Youth Protection Act, as amended, <http://www.canlii.org/fr/qc/legis/lois/lrq-c-p-34.1/derniere/lrq-c-p-34.1.html>.*

## SPECIAL SERIES – GUIDELINES FOR THE ALTERNATIVE CARE OF CHILDREN

### The conditions that frame the different modes of alternative care

*Part seven of the Guidelines is devoted to the necessary measures for respecting the rights of children placed in different types of alternative care. It puts the emphasis on good practices that should be developed and implemented from the very moment when the placement takes effect.*

In general the implementation of a national policy for the protection of children deprived of their family implies first and foremost a global and full vision of the problem. If this first aspect seems obvious, it's not always easy to put it into practice. In fact numerous States have administrative systems which

fragment the responsibilities for different categories of children (For example: The Ministry of Health deals with the placement of disabled children while other children are under the responsibility of The Ministry of Education). Similarly the Federative States sometimes find it hard to harmonise the practices and to establish policies that cover

the whole of their territory. In the field of adoption for example, there is a notable lack of collaboration between the federated States when searching for possible placements.

Setting up a centralised system for data collection relating to statistics for children placed under different systems of care provision also constitutes an essential tool for defining and adapting an appropriate policy.

### General conditions

The guidelines stress that every child subject to a system for the provision of alternative care has a right to the respect of his fundamental rights, and it is up to the competent services to ensure they are respected. If the accommodation, food, health care and education represent a basic essential, the respect for private life, the right to contact with one's family as well as the protection against all forms of abuse must also receive particular attention in many parts of the world. The question of discipline and steps taken to ensure one is respected is still often a cause for concern. So as to be able to mitigate eventual gaps in this area, the Guidelines suggest setting up machinery for complaints procedures and other questions that are open to children, as well as the guarantee of access to someone they trust to whom they can talk with confidentially. Let's remember that these general conditions must be applicable to all kinds of alternative care measures, and that they therefore are not limited to institutions.

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### Informal placement

If by its very nature, informal placement avoids the usual procedures, it nevertheless remains that the children involved must also

be protected. The Guidelines underline thus that « Governments should recognize the role of this type of placement and take the necessary steps to support and supervise its functioning, while identifying placements that demand special help or surveillance ». The increase in migration makes this step all the more necessary, since the parents who often travel abroad to work entrust their child to a member of the family, without so much as the legal framework of this care provision being formalised. Furthermore an official follow-up is particularly necessary in cases of child placement with the family living abroad, a situation that increases even more the child's vulnerability (on this subject, see part eight of the Guidelines).

#### Standards, report and legal framework

- SOS Villages for Children, International Foster Care Organisation (IFCO) and the International Federation of Educative Communities have published the Standards Quality4Children for the placement of children outside the family home in Europe [www.quality4children.info/ps/tmp/g4c\\_docudb/Q4C\\_Standards\\_French.pdf](http://www.quality4children.info/ps/tmp/g4c_docudb/Q4C_Standards_French.pdf)
- « Children in Institutions: Prevention and Alternative Care » (Bragi Gudbrandsson, 2004): This report presents an overview of the measures for alternative child care in Europe, the effects of institutionnalisation on children, statistical information and different approaches of the systems of child protection in Europe. <http://www.crin.org/bcn/topic.asp?themeID=1003&topicID=1022&offset=10>
- The United Kingdom has implemented a complaints procedure open to children under the responsibility of a public organ (The same as those that should be). The procedure is inscribed in the *Children's Act* 1989, s. 26 [http://www.opsi.gov.uk/acts/acts1989/ukpga\\_19890041\\_en\\_1](http://www.opsi.gov.uk/acts/acts1989/ukpga_19890041_en_1) and the *Children's Act 1989 Representations Procedure Regulations* 2006 <http://www.opsi.gov.uk/si/si2006/20061738.htm#1>

### Legal responsibility in loco parentis

The notion of legal responsibility in loco parentis comes from English Law and describes someone who is not the biological parent of a

child but who acts as such. It can be applied to a step parent for example. The Guidelines take up this notion and expand upon it to the point of « designating a person who has the right and the responsibility to take day to day decisions in the best interests of the child and in consultation with him, in cases where the parents are not available or are incapable of taking these decisions ». The term thus makes it possible to cover the different legal institutions in practice throughout the world, whether it concerns guardianship, trusteeship or kafala for example. The person must of course provide a certain number of guarantees in order to assume this responsibility, and be answerable for his actions to the designating body.

### Placement

On the question of placement, the Guidelines stress that all agencies and all placement sites must undergo registration and authorisation, and that failure to meet this obligation constitutes an offence. But, one can see that certain structures that care for children still avoid this requirement. NGO programs in certain countries in transition or developing countries sometimes profit from these legal loopholes by running their activities without being too worried by the authorities. In western countries, we also see a build up of private « social-educational programmes» for « difficult children », where the methods are sometimes very debatable<sup>1</sup>...

As for financing placement sites, it is important that it not be directly linked to the number of children accommodated, given the risk of pointless or excessively prolonged placements. It is thus just as fundamental that the placement be framed by a rigorous procedure for controlling admissions, as well as a regular follow-up of the child's situation. The reintegration of the child in his biological

family must remain a priority objective, or, if it is not possible, the identification of an alternative family solution. Finally, the duties of the State do not come to an end once the placement ends: post-placement follow-up and assistance must be offered to the child, especially to those who manifest special needs.

### **Guidelines as a *vade mecum***

The Guidelines of course go far beyond the description of different alternative care systems for children than the few illustrations presented here. They thus have the great advantage of systematically treating the problem, and offering professionals a frame of reference when they study various measures affecting children.

The latest version of the Guidelines for the Alternative Care of Children is available on Internet page for Better Care Network: [www.crin.org/bcn/initiatives.asp](http://www.crin.org/bcn/initiatives.asp).

<sup>1</sup> See for example the growing popularity of « Boot camps » <http://www.boot-camp-boot-camps.com/>

## READERS' FORUM

### **Simultaneous adoption procedures at a national and international level should be avoided to comply with the principle of subsidiarity**

*I thank you for the in-depth analysis, which your service carried out in relation to the principle of subsidiarity in your Monthly Review's (March-April 2009). The clear observations that you reached by addressing the various aspects equally from the perspective of a country of origin as from a receiving country, has given rise to the following reflection at the Mouvement Enfance et Foyer (MEF). This reflection is based on its experience as an accredited body for domestic adoption in Switzerland and for intercountry adoption from Bolivia.*

*MEF believes that in keeping with the child's best interests, it is necessary to respond firstly to situations of abandonment in one's own country, before intervening abroad even if the children of certain countries need foreign families. With regards to domestic adoption, the MEF in collaboration with the Cantonal Authority of Fribourg and two other counterparts has established a protocol of collaboration, in order to organise the good care of the child, his biological family and his adoptive family. From this perspective, the adoption service of the MEF has developed some strategies with a view to protecting:*

**1. The child:** *Whether born in the Canton of Fribourg or in Bolivia will be placed with a family which has been well*

*prepared to care for him and cater for his characteristics.*

**2. The adopters:** *In order to facilitate the process of attachment between the child and his future parents, it is important for the adoption project to have a good opportunity of being completed within a reasonable timeframe. Given that the cases of abandonment of a child born on the territory of Fribourg are rare, the possibilities to adopt are just as rare. The number of files opened is therefore adapted and the waiting time is limited to one year. Beyond this limit, if a matching proposal has not been possible, the couple turns towards intercountry adoption (currently Bolivia). The family prepares themselves specifically for that country and constitutes its file, always with MEF's support and help.*

Once the file has been submitted, there is an average waiting time average of two years.

3. **The country of origin:** Despite regular political problems, adoptions can be carried out in Bolivia, which has ratified the HC-1993. These are however carried out sparingly, following a medical and psycho-social study, which ensures the child's adoptability, and

following the Central Authority's final control. In this context, MEF considers that the principle of subsidiarity must be respected not only on the child's side, but also on that of the adopters. To that end, in particular, it is important to ensure that the couple has indeed transferred its wish to become parents from a child who comes from a place close to them to one who comes from far away. It is therefore inadequate to proceed with simultaneous applications at national and international level. Such an attitude would offer a message to the country of origin, whereby this country is the second option in the choice; whereas, on the contrary, an

intercountry adoption must have been thought of as the unique decision desired at the conclusion of a process of psychological preparation.

Thus, MEF considers that a couple who has submitted its file in Bolivia cannot be registered on a waiting list for domestic adoption in its Canton. If the family is open to both options, it should take action on one procedure after the other, in order to avoid any collusion, disillusion and frustration.

Marielle Sulmoni  
Social Worker In-Charge,  
Mouvement Enfance et Foyers,  
Accredited intermediary body for  
Switzerland and Bolivia

#### HOW TO SUBMIT YOUR REACTIONS TO THE ISS/IRC

- The texts must be sent in English, French or Spanish to: [irc-cir@iss-ssi.org](mailto:irc-cir@iss-ssi.org).
- The texts must not exceed 1000 words.
- The ISS/IRC reserves the right to select the texts it publishes in this section.

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

- **Brazil:** Congresso Internacional Psicossocial (International Psycho-social Congress) dealing with issues such as child abandonment, adoption and other care situations, Brasilia, 20-24 October. For more information [cdja@tidft.ius.br](mailto:cdja@tidft.ius.br)
- **France:** COPES is holding two seminars on a) 'Les Maltraitements à Enfants dans la famille. Les placements d'enfants' (The maltreatment of children in families. The placement of children), 16 -18 September, Paris. b) Adoption de très jeunes enfants, quelle continuité pour le bébé adopté? (Adoption of very young children, what continuity for the adopted baby), Paris, 14-16 September and 5-7 October. For more information, see [www.lecopes.org](http://www.lecopes.org)
- **Iceland:** The Nordic Adoption Council will be hosting its bi-annual Nordic Meeting, Reykjavik, Iceland, 4-5 September. For more information [olebergmann@hotmail.com](mailto:olebergmann@hotmail.com)
- **Italy:** Children and the Law: International approaches to children and their vulnerabilities to be hosted by Monash University (Australia), Tuscany, 7- 10 September. For more information <http://www.med.monash.edu/socialwork/conference09/>
- **UK:** BAAF is holding two conferences a) Post adoption contact – the way forward, Manchester, 14 Sept 2009. For more information, see [http://www.baaf.org.uk/res/training/details/090914\\_conf.shtml](http://www.baaf.org.uk/res/training/details/090914_conf.shtml), b) Colour matters in care, culture ethnicity, health and child placement, London, 5 October. For more information [conferences@baaf.org.uk](mailto:conferences@baaf.org.uk) and [www.baaf.org.uk](http://www.baaf.org.uk)
- **USA:** ISS-USA to hold a conference on Practical considerations: The nexus of social work and international child welfare, 30- 31 October, Baltimore. For more information [fnorthcott@iss-usa.org](mailto:fnorthcott@iss-usa.org)

*As a reminder, this Monthly Review is distributed to a selected network of Authorities and professionals. It is not aimed at being posted on an internet website without the authorisation of ISS/IRC.*

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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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