

ADOPTION

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**DRAFT SURVEY FOR ADOPTIVE PARENTS
ON THE FINANCIAL ASPECTS OF INTERCOUNTRY ADOPTION**

drawn up by the Permanent Bureau

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**PROJET D'ENQUÊTE SUR LES ASPECTS FINANCIERS
DE L'ADOPTION INTERNATIONALE
À L'INTENTION DES PARENTS ADOPTIFS**

établi par le Bureau Permanent

*Preliminary Document No 6 of June 2015 for the attention of the
Special Commission of June 2015 on the practical operation of the
Hague Convention of 29 May 1993 on Protection of Children and
Co-operation in Respect of Intercountry Adoption*

*Document préliminaire No 6 de juin 2015 à l'attention de la
Commission spéciale de juin 2015 sur le fonctionnement pratique de la
Convention de La Haye du 29 mai 1993 sur la protection des enfants et
la coopération en matière d'adoption internationale*

I. INTRODUCTION

As explained in Fact Sheet No 2 “The Financial Aspects of Intercountry Adoption” prepared for the attention of the 2015 Special Commission meeting, the Experts’ Group on the Financial Aspects of Intercountry Adoption has developed a draft survey on this topic for adoptive parents. The aim is to collect information from adoptive parents on the payments made in the intercountry adoption process, with a view to promoting transparency and reasonability in this field.

At its meeting in April 2014, the Council on General Affairs and Policy of the Hague Conference mandated that the Experts’ Group continue its work as set out in the draft Note on the Financial Aspects of Intercountry Adoption.¹ This included drafting a “Model Survey” for adoptive parents that would specify the amounts paid for the adoption and, if applicable, the experiences of parents with regard to the accredited body and the State of origin. Each receiving State would be responsible for disseminating the survey to the parents, analysing the results, and potentially responding to reported problems. The Note observed that an analysis of the results of the survey could be very valuable in drafting Guidelines or a Guide on financial aspects of intercountry adoption.

However, during several conference calls over a period of nine months, the discussions of the Experts’ Group have evolved and the Group has been considering another initiative in the form of a “Global Survey” to be administered by the Permanent Bureau. The table below identifies the differences between the two types of surveys:

	MODEL SURVEY	GLOBAL SURVEY
Goal	<ol style="list-style-type: none"> 1. Receiving States carrying out the survey would obtain information on the payments made by the prospective adoptive parents living in their State. 2. Each State may potentially respond to issues reported regarding the financial aspects of intercountry adoption. 3. Each State may inform the Permanent Bureau (PB) about the result of its survey. This would assist the Hague Conference in developing further guidance and policy guidelines at the international level on the financial aspects of intercountry adoption with a view to promoting transparency and reasonability in this field. 	<p>The PB would collect information on the payments made by prospective adoptive parents in the course of their intercountry adoption in as many States as possible.</p> <p>This information would be collected to assist the Hague Conference in developing further guidance and policy guidelines at the international level on the financial aspects of intercountry adoption with a view to promoting transparency and reasonability in this field.</p>
Outcomes	The national authority identifies and responds to any reported issues.	<p>An “international” report that:</p> <ul style="list-style-type: none"> - analyses the data received from States; - identifies any systemic issues; and

¹ See “Conclusions and Recommendations adopted by the Council on General Affairs and Policy of the Conference (8-10 April 2014)”, Recommendation No 18, and, “Note on the Financial Aspects of Intercountry Adoption”, drawn up by the Experts’ Group on the Financial Aspects of Intercountry Adoption, Permanent Bureau, 2014, section 8.4. Both documents are available on the Hague Conference website at < www.hcch.net > under “Work in Progress” then “General Affairs” and “Intercountry Adoption Section”, respectively.

	A "national" report, which may inform national policy and ultimately international policy.	- provides best practice recommendations regarding how better to achieve transparency and reasonability in the financial aspects of intercountry adoption.
Administration of the survey	By Central Authorities in receiving States.	By the PB.
Availability of the survey	Available through the Central Authorities in receiving States.	Available on the Hague Conference website. Central Authorities, Accredited Bodies and the International Social Service (ISS) would also be encouraged to publish and publicise the survey.
Analysis of the data	Analysed by Central Authorities in receiving States.	The Center for Children, Law and Ethics at Cumberland Law School and ISS have offered to analyse the data obtained in co-ordination with the PB.
Monitoring	Overseen by Central Authorities in receiving States.	The Experts' Group would oversee the survey process, receiving periodic updates on progress and a first draft of reports to review. All Contracting States would have the opportunity to provide comments on the draft report, prior to publication.
Intended time frame	To be determined by Central Authorities.	One-off survey for a fixed period.
Role of the Permanent Bureau (PB)	The PB would assist the Experts' Group with drafting the Model Survey.	The PB would assist the Experts' Group with drafting and administering the Global Survey. The PB would oversee the drafting of the report with the Experts' Group.

In addition to the issues mentioned in the Table, in relation to both types of survey, further consideration needs to be given to some practical issues relating to the protection of identities and data in the analysis of the survey responses. In each type of survey the approach to anonymity and confidentiality might vary.

Annex 1 of this document presents the draft text of the survey as currently developed by the Experts' Group. The survey is currently being tested, through the Central Authority of Spain (Madrid) and EurAdopt, with a selected number of adoptive parents to see if the questions and tables are clear and whether improvements could be made in the presentation.

II. DISCUSSION AT THE SPECIAL COMMISSION

The draft survey will be presented as one of the several tools developed by the Experts' Group on the Financial Aspects of Intercountry Adoption (see Fact Sheet No 2).

Following the overview by the rapporteur of the Experts' Group during the Special Commission meeting, States will be invited to share their views on the Model Survey and the Global Survey.

ANNEX 1
DRAFT FOR SURVEY FOR ADOPTIVE PARENTS
ON THE FINANCIAL ASPECTS OF INTERCOUNTRY ADOPTION

INTRODUCTION

Dear adoptive parent(s),

This survey requests your feedback in relation to some of the financial aspects of the intercountry adoption of your child. Your response will assist the work of the Hague Conference on Private International Law in the field of the financial aspects of intercountry adoption. In particular, it will assist in working towards promoting transparency and reasonability of the financial aspects of intercountry adoption process.

As part of this exercise, adoptive parents are encouraged to provide information to the Permanent Bureau of the Hague Conference concerning the payments made during the intercountry adoption of their child(ren). The Permanent Bureau, with the assistance of experts, will:

1. Analyse the information; and subsequently,
2. Write a report for the adoption authorities in countries which have joined the 1993 Hague Intercountry Adoption Convention and any other concerned countries. The report will analyse the data received, identify any systemic issues, and provide policy recommendations regarding how better to achieve transparency and reasonability of the financial aspects of intercountry adoption. A version of the report will also be made available to the public. This analysis may contribute to the formulation of international policy guidance for national adoption authorities.

If you wish, you may complete this survey anonymously (*i.e.*, without providing your name or any contact information). However, we encourage you to provide your contact details in order to ensure better follow-up if there are questions concerning your response. In any case, if you provide your name and contact information, this identifying information will NOT be used in the reports which will be written.

Your time and effort in completing this short survey is greatly appreciated.

Thank you very much.

The Hague Conference on Private International Law (HCCH)

INSTRUCTIONS

- Please complete this survey once you have returned home with your child.
- If possible, please provide any answers in English, French or Spanish. If this is not possible, you may provide answers in your native language. Please state which language you will use in this survey here: .
- Please always state the currency of any numerical response.
- Please answer all the questions (1 to 10) in this survey as far as you can. However, if you do not have certain information or you do not know certain answers, you may simply leave the answer(s) blank.
- Please note that the information requested in this survey is requested *regardless of where the payment was made – i.e., whether paid in your country or in the country of origin of your child.*

If you have any questions regarding the completion of this survey, please e-mail secretariat@hcch.net using the subject-line "Survey for Adoptive Parents".

For information concerning the financial aspects of intercountry adoption, you may wish to consult the HCCH "*Note on the Financial Aspects of Intercountry Adoption*" (2014).

ABOUT YOU	
<p>How many children did you adopt in this intercountry adoption procedure?</p> <p><i>If you adopted more than one child, please specify the costs of the adoption <u>per child</u> in your answers to this survey where possible. If this is not possible, you may simply provide overall amounts and specify that it is for X children.</i></p> <p><i>Please note: the singular 'child' is used in the rest of this survey for convenience.</i></p>	
<p>In which country did you live at the time of the adoption of your child?</p> <p><i>Please indicate in your answer if your country of residence has changed either during or after the adoption of your child.</i></p>	
<p>From which country was your child adopted?</p>	
<p>In which year were you declared eligible and suited to adopt?</p>	
<p>In which year was your file sent to the country of origin of your child?</p>	
<p>In which year was the final adoption decision of your child made?</p>	
<p>Did you use an adoption accredited body ("AAB", adoption agency) for the adoption of your child?</p>	<p><input type="checkbox"/> Yes: please provide the name of the AAB:</p> <p><input type="checkbox"/> No: please indicate if any <i>other</i> body or authority, or private lawyer, assisted you with the adoption and, if so, please provide the name:</p>
<p>If you wish, please provide your name and contact information here (N.B., this is optional):</p> <p><i>As stated in the Introduction, this information will be provided to the Permanent Bureau of the Hague Conference and those assisting it with the analysis of the data <u>only</u> and will be used if follow-up with you is needed in relation to your survey answers.</i></p>	<p>Name:</p> <p>Address:</p> <p>E-mail:</p> <p>Telephone number:</p>

THE SURVEY

1. Please list in the table provided below ("Table 1") **all the payments, including donations, which you made in relation to your child's adoption**, whether paid in your country or in the country of origin of your child. For each payment, please provide as much information as possible.

For travel and accommodation costs, please include such costs to the degree that they were paid to any intermediary involved in the adoption, but do not include such costs which you paid directly (e.g., airline and hotel costs).

Please note: further information regarding some of the payments included in Table 1 is requested in later questions.

EXAMPLE:

TABLE 1 – List of <u>all</u> payments								
Payment Line No	Amount paid	Currency	Method of payment (e.g. bank transfer, cheque, cash)	Paid to whom?	Was the payment to be passed to additional parties? (yes or no)	If so, specify the additional parties (if known)	Purpose of payment	Mandatory or voluntary?
1	500	USD	Bank transfer	Our adoption agency	Yes	The Ministry of Children in the country in which our child was living prior to the adoption	Fee to be able to adopt a child living in that country. Our adoption agency told us that this money will be used to improve the child protection system in that country.	Mandatory

PLEASE COMPLETE TABLE 1 BELOW:

TABLE 1 – List of <u>all</u> payments								
Payment Line No	Amount paid	Currency	Method of payment (e.g. bank transfer, cheque, cash)	Paid to whom?	Was the payment to be passed to additional parties? (yes or no)	If so, specify the additional parties (if known)	Purpose of payment	Mandatory or voluntary?
1								
2								
3								
4								
5								
6								
7								
8								
9								
10								
11								
12								
13								
14								
15								
16								
17								
18								
19								
20								
<i>(Add as many rows as needed to include all your payments)</i>								

2. At any time, were you requested or required to make a payment, either directly or through an intermediary (e.g., your AAB), which you were told was for the purpose of supporting the **child protection system and / or adoption system** of the country of origin of your child **in general**?

- No
- Yes: please identify, by Payment Line No (see the far-left column of Table 1), the relevant payment(s) from Table 1. Then please complete Table 2 below, providing as much information as you can in relation to each relevant payment:

For columns 3 and 4 (“Requested/Paid at what stage of the adoption procedure”), please specify whether the payment was *requested* or *paid*:

- Before your application was sent to the country of origin of your child (“Before application”)
- After your application was sent to the country of origin but before you were matched with your child (“After application”)
- After you were matched with your child but before the final adoption decision was made (“After matching”)
- After the final adoption decision was made (“After decision”)
- Other

EXAMPLE:

TABLE 2 – Child protection/adoption <u>system in general</u>				
Table 1 Payment Line No	Requested by whom?	<i>Requested</i> at what stage of the adoption procedure?	<i>Paid</i> at what stage of the adoption procedure?	If you adopted through an AAB, were they aware of this payment? (yes or no)
Table 1, Payment Line No 1	The Ministry of Children in the country in which our child was living prior to the adoption	After application	After matching	Yes

PLEASE COMPLETE TABLE 2 BELOW:

TABLE 2 – Child protection/adoption <u>system in general</u>				
Table 1 Payment Line No	Requested by whom?	<i>Requested</i> at what stage of the adoption procedure?	<i>Paid</i> at what stage of the adoption procedure?	If you adopted through an AAB, were they aware of this payment? (yes or no)
Table 1, Payment Line No				
<i>(If you made multiple payments please use additional rows)</i>				

I don't know

DRAFT

3. At any time, were you requested or required to make a payment, either directly or through an intermediary (e.g., your AAB), which you were told was for the purpose of supporting **particular children's institutions (orphanages)** in the country of origin of your child (e.g., a payment to the institution where your child was living for the maintenance costs of your child)?

- No
- Yes: please identify, by Payment Line No (see the far-left column of Table 1), the relevant payment(s) from Table 1. Then please complete Table 3 below, providing as much information as you can in relation to each relevant payment:

For columns 3 and 4 ("Requested/Paid at what stage of the adoption procedure"), please specify whether the payment was *requested* or *paid*:

- Before your application was sent to the country of origin of your child ("Before application")
- After your application was sent to the country of origin but before you were matched with your child ("After application")
- After you were matched with your child but before the final adoption decision was made ("After matching")
- After the final adoption decision was made ("After decision")
- Other

TABLE 3 – <u>Particular children's institutions (orphanages)</u>				
Table 1 Payment Line No	Requested by whom?	<i>Requested</i> at what stage of the adoption procedure?	<i>Paid</i> at what stage of the adoption procedure?	If you adopted through an AAB, were they aware of this payment? (yes or no)
Table 1, Payment Line No				
<i>(If you made multiple payments please use additional rows)</i>				

- I don't know

4. At any time, were you requested or required to make a payment which you were told was for the purpose of **supporting the projects of your AAB** in the country of origin of your child (aimed at improving children's well-being in that country)?

- No
- Yes: please identify, by Payment Line No (see the far-left column of Table 1), the relevant payment(s) from Table 1. Then please complete Table 4 below, providing as much information as you can in relation to each relevant payment:

For columns 2 and 3 ("Requested/Paid at what stage of the adoption procedure"), please specify whether the payment was *requested* or *paid*:

- Before your application was sent to the country of origin of your child ("Before application")
- After your application was sent to the country of origin but before you were matched with your child ("After application")
- After you were matched with your child but before the final adoption decision was made ("After matching")
- After the final adoption decision was made ("After decision")
- Other

TABLE 4 – <u>Project (s)</u> of your <u>AAB</u>		
Table 1 Payment Line No	<i>Requested at what stage of the adoption procedure?</i>	<i>Paid at what stage of the adoption procedure?</i>
Table 1, Payment Line No		
<i>(If you made multiple payments please use additional rows)</i>		

- I don't know

5. At any time, did you make any **gift(s) of material good (s)** (*i.e.*, *non-monetary* gifts) to any authority, body or person in relation to your child's adoption?

- No
- Yes: please complete Table 5, providing as much information as you can.

TABLE 5 – Gift(s) of material good(s) (<i>i.e.</i> , <i>non-monetary</i> gifts)								
Who, if anyone, requested the gift(s)?	When was the gift(s) requested?	Was it described as mandatory (<i>i.e.</i> , you had to give it) or voluntary (<i>i.e.</i> , optional)	To whom did you give the gift(s)?	For what purpose?	What did you give?	When did you make this gift(s)?	What was the approximate monetary value of the gift(s)?	If you adopted through an AAB, were they aware of this gift? (yes or no)

(If you made multiple gifts please use additional rows)

6. Was the total amount you paid for the adoption of your child approximately the same as the **amount you were initially quoted** (e.g., by the Central Authority in your country or by your AAB)?
- Not applicable - I was not quoted a total amount initially. Please briefly describe what, if anything, you were told at the beginning regarding the amount(s) you would have to pay:
- Yes, the amount quoted and the amount paid were approximately the SAME.
- No - the amount paid was LESS than I / we were quoted. If possible, please explain why:
- No - the amount paid was MORE than I / we were quoted because payment(s) No(s) of Table 1 were significantly higher than what was in my initial quote or were not included in my initial quote. If these payments are not included in Tables 2, 3 or 4 above (and hence you have not already provided the additional information sought in those questions in relation to these payments), please complete Table 6 below.

For columns 3 and 4 ("Requested/Paid at what stage of the adoption procedure"), please specify whether the payment was *requested* or *paid*:

- Before your application was sent to the country of origin of your child ("Before application")
- After your application was sent to the country of origin but before you were matched with your child ("After application")
- After you were matched with your child but before the final adoption decision was made ("After matching")
- After the final adoption decision was made ("After decision")
- Other

TABLE 6 – Payments <u>significantly higher than quoted</u> or <u>not initially quoted</u>					
Table 1 Payment line No	Requested by whom?	Requested at what stage of the adoption procedure?	Paid at what stage of the adoption procedure?	How much more did you pay?	If you adopted through an AAB, were they aware of this payment? (yes or no)
Table 1, Payment Line No					
<i>(If you made multiple payments please use additional rows)</i>					

7. At any time, were you requested or required to make a **payment**, either directly or through an intermediary (*e.g.*, your AAB), which seemed to you **inappropriate** in any way and / or which you believe may have influenced the intercountry adoption process?

No

Yes:

- Payment(s) No(s) of Table 1 seemed inappropriate and / or I / we believe that they may have influenced the intercountry adoption process.
- If possible, please explain why this / these payment(s) seemed inappropriate to you and / or why you believe it / they may have influenced the intercountry adoption process:
- If these payments are not included in Tables 2, 3 or 4 above (and hence you have not already provided the additional information sought in those questions in relation to these payments), please complete Table 7 below.

For columns 3 and 4 ("Requested/Paid at what stage of the adoption procedure"), please specify whether the payment was *requested* or *paid*:

- Before your application was sent to the country of origin of your child ("Before application")
- After your application was sent to the country of origin but before you were matched with your child ("After application")
- After you were matched with your child but before the final adoption decision was made ("After matching")
- After the final adoption decision was made ("After decision")
- Other

TABLE 7 – <u>Inappropriate</u> payments				
Table 1 Payment line No	Requested by whom?	<i>Requested</i> at what stage of the adoption procedure?	<i>Paid</i> at what stage of the adoption procedure?	If you adopted through an AAB, were they aware of this payment? (yes or no)
Table 1, Payment Line No				
<i>(If you made multiple payments please use additional rows)</i>				

I don't know

8. During the course of the adoption procedure of your child, did you ever encounter any **action, request or information**, either in the receiving State or in the State of origin, which in your view might indicate **wrongdoing** (whether relating to the financial aspects of the adoption, or otherwise)?
- Yes: please describe in as much detail as possible what worried you:
 - No
 - I am not sure. Please explain:
9. What, if anything, **could have improved** your experience in relation to the financial aspects of your child's adoption?
10. Are there any **other comments** you would like to provide concerning the financial aspects of your child's adoption?
11. **Your feedback** on the formulation of the questions and the tables in this survey
- a. Are the questions in this survey clear?
 - Yes
 - No, please tell us which questions are not clear (be as specific as possible)
 - b. Are the tables in this survey clear?
 - Yes
 - No, please tell us which questions are not clear (be as specific as possible)
 - c. Do you have any suggestions to improve the questions or the tables?
 - d. If you had been required to provide your name and contact information, would you still have responded to this survey?