

<b>Title</b>	<b>Discussion Paper “Post-adoption matters”</b>
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# Discussion Paper “Post-adoption matters”

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## Keys



HCCH materials and other resources



Possible ideas to be discussed at the SC Meeting

## ABBREVIATIONS<sup>1</sup>

<b>1993 Convention or Convention</b>	Convention of 29 May 1993 on Protection of Children and Cooperation in Respect of Inter-country Adoption
<b>2020 Questionnaire No 1</b>	<a href="#"><u>Questionnaire on the practical operation of the 1993 Adoption Convention</u></a>
<b>AABs</b>	Adoption accredited bodies
<b>BIC</b>	Best interests of the child
<b>CA</b>	Central Authority
<b>CP</b>	Country Profile
<b>C&amp;R</b>	Conclusions and Recommendations
<b>Explanatory Report</b>	<a href="#"><u>Explanatory Report</u></a> of the 1993 Adoption Convention by G. Parra-Aranguren
<b>GGP No 1</b>	<a href="#"><u>Guide to Good Practice No 1</u></a> “The implementation and Operation of the 1993 [...] Adoption Convention”
<b>GGP No 2</b>	<a href="#"><u>Guide to Good Practice No 2</u></a> “Accreditation and Adoption Accredited Bodies”
<b>HCCH</b>	Hague Conference on Private International Law
<b>PAPs</b>	Prospective adoptive parents
<b>PAS</b>	Post-adoption services
<b>PB</b>	Permanent Bureau of the HCCH
<b>RS</b>	Receiving State
<b>SO</b>	State of origin

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<sup>1</sup> Mainly used in tables, charts and endnotes.

## 1. BACKGROUND

1. This Discussion Paper aims to summarise the views of certain States on the current practices and challenges of some aspects of post-adoption, while also highlighting some good practices.<sup>1</sup> Based on these views, the Paper presents some ideas and questions for further reflection and discussion at the Fifth Meeting of the Special Commission (SC) on the practical operation of the *Convention of 29 May 1993 on Protection of Children and Cooperation in Respect of Intercountry Adoption* (1993 Adoption Convention or, simply, Convention) scheduled for 4 to 8 July 2022.<sup>2</sup>
2. The information presented is based on the responses of 66 Contracting Parties to the Convention to a Questionnaire on the practical operation of the 1993 Adoption Convention (2020 Questionnaire No 1),<sup>3</sup> as well as on the responses provided by Contracting Parties in their respective Country Profiles.<sup>4</sup> Where relevant, other information has also been included.
3. To facilitate the discussion at the SC, this Paper also includes references to the relevant articles of the 1993 Adoption Convention, as well as HCCH materials and Conclusions and Recommendations agreed on by Contracting Parties to the Convention. However, this Paper is not intended to present a comprehensive overview of post-adoption, as it mainly focuses on some issues that may need further discussion.
4. The Paper is divided into the following sections:
  - post-adoption services, in particular, counselling and support<sup>5</sup> (section 2);
  - search for origins, including collection, preservation and access to information (section 3);
  - post-adoption reports (section 4);
  - adoption breakdowns (section 5); and
  - possible future work on post-adoption matters (section 6).

## 2. POST-ADOPTION SERVICES

### HCCH 1993 Adoption Convention

Article 9(c): “Central Authorities shall take, directly or through public authorities or other bodies duly accredited in their State, all appropriate measures, in particular to – [...] c) **promote the development of adoption counselling and post-adoption services** in their States; [...]”.

### HCCH documents

- Explanatory Report: paras 234-235.
- GGP No 1: paras 579-589.

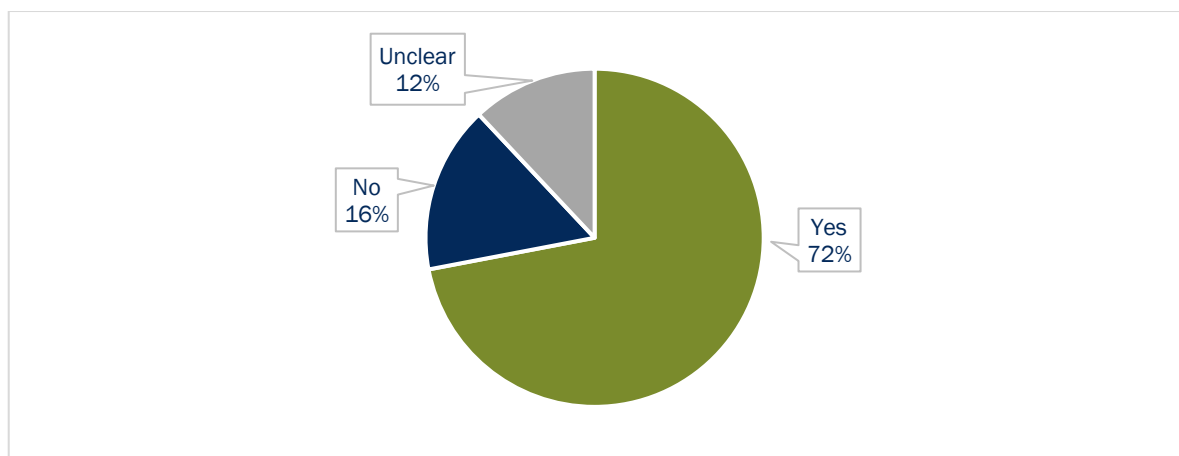
5. Adoption is not a single event, but a life-long process. Thus, “the Convention obligations imposed on Contracting States do not cease”<sup>6</sup> once the adoption decision is issued and the child starts living with the adoptive family. The Convention also requires States to undertake a range of general functions that may be relevant to particular adoptions after the adoption took place, such as the provision of counselling and post-adoption services to assist the adoptee and their family to adapt to the new situation and environment.<sup>7</sup> In the words of adoptees, post-adoption services and in particular post-adoption support is the “most required and necessary element to encourage positive outcomes for intercountry adoption”.<sup>8</sup>

### 2.1. General practices of States on post-adoption services

6. Post-adoption services are largely provided for by receiving States as the adoptee and the adoptive family usually live there.

Chart 1: Post-adoption services<sup>9</sup>

Chart 1.a: Do receiving States provide specialised post-adoption services?

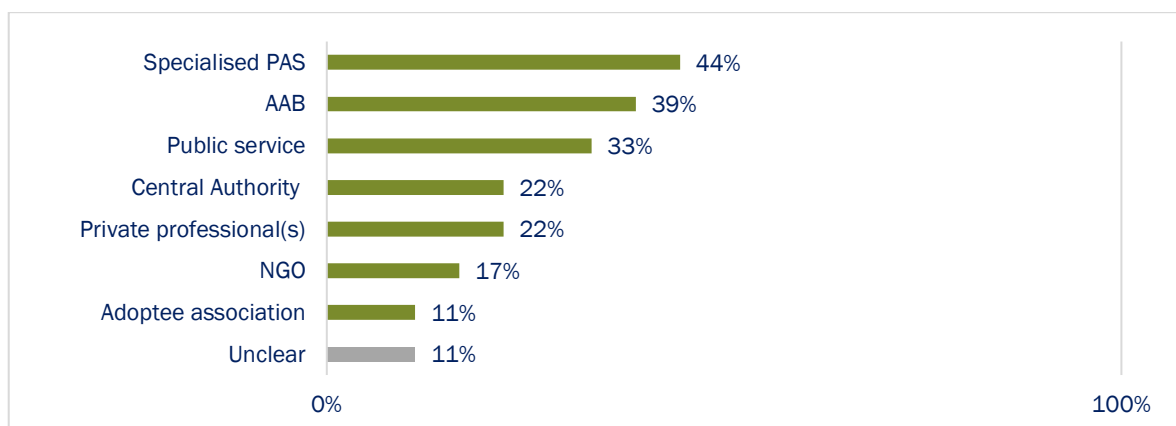


7. While the nature and extent of the post-adoption services is not specified in the Convention, the types of services provided by receiving States may include:
- general support,<sup>10</sup> counselling (group and individual),<sup>11</sup> post-adoption information,<sup>12</sup> psycho-social support,<sup>13</sup> referrals to other services,<sup>14</sup> parenting and education trainings / seminars,<sup>15</sup> parent / child workshops,<sup>16</sup> discussion / support groups,<sup>17</sup> confidential helplines;<sup>18</sup>

- assistance with maintaining cultural links with the State of origin, making enquiries to that State, and planning visits there;<sup>19</sup>
  - specialised training on adoption issues for professionals working with adoptees.<sup>20</sup>
8. For States of origin, since adoptees are no longer living in that State, post-adoption services are often targeted towards domestic adoptions and / or the search for origins (see section 3 below). However, certain States of origin provide some support services targeted for intercountry adoptees. For example, one State has developed guidelines for specialised post-adoption services in order to address the increasing number of requests from adoptees.<sup>21</sup> Other States follow up on the child's progress after the adoption (in particular, through post-adoption reports – see section 4) and offer support and assistance.<sup>22</sup>
9. Some challenges:
- lack of, or deficient, specialised post-adoption services;
  - services are only offered upon request;<sup>23</sup>
  - lack of specialisation in *intercountry* adoption services, and thus differences in culture, language, etc., are not properly taken into account.
10. Examples of good practices:
- multidisciplinary approach (e.g., medical, social, cultural) to providing services;<sup>24</sup>
  - post-adoption services provided in a child-appropriate manner to child adoptees;
  - individualised post-adoption services aimed at addressing the specific needs of each adoptee / adoptive family;<sup>25</sup>
  - promotion of cultural links to the adoptee's State of origin, assistance with establishing and maintaining connections with the State of origin,<sup>26</sup> and counselling and support on how to deal with racism;
  - training activities, guidelines and education videos and other media materials developed by professionals.

## 2.2. Authorities and bodies providing post-adoption services

Chart 1.b: Who is responsible for providing post-adoption services in the receiving State?<sup>27</sup>



11. A few States coordinate the services on a case-by-case basis which may allow adoptees with multiple needs to be met through a coordinated response of the different competent authorities.<sup>28</sup>
12. In addition, in recent years, many adoptee associations have been established. In some cases,

they regroup adoptees coming from different States of origin and living in a specific receiving State, or adoptees from a specific State of origin, group of States, or continent living in any State.<sup>29</sup>

13. Regarding the professionals involved in the post-adoption services, some States arrange for the same professionals to prepare prospective adoptive parents (PAPs) and provide post-adoption services,<sup>30</sup> while in other States the professionals are different ones.<sup>31</sup> For other States, the professionals involved depend on the region and / or the case at hand.<sup>32</sup>
14. When the same professionals are involved in the post-adoption services, some States have noted an increased level of trust from the adoptive families, as well as understanding and continuity of the services provided.<sup>33</sup> In other States, the professionals are part of separate teams but within a common network which may end up collaborating.<sup>34</sup>
15. Some challenges:
  - lack of, or insufficient, training of those providing post-adoption services;<sup>35</sup>
  - lack of cooperation and coordination between authorities and adoptee associations, which may have relevant suggestions and experiences to share;
  - difficulties to ensure that there is actual information exchange between the public services involved in the provision of services to the adoption family and the Central Authority.<sup>36</sup>
16. Examples of good practices:
  - specialised post-adoption services provided for by professionals and / or adoption centres specifically trained for dealing with adoption matters (e.g., psychosocial teams trained in trauma care);<sup>37</sup>
  - post-adoption services provided by adoptees in a fully professional capacity;<sup>38</sup>
  - adoption accredited bodies (AABs), support groups and practitioners helping adoptees with similar life experiences connect with each other;<sup>39</sup>
  - broad network of community organisations, community-based resources and specialists that facilitate collaboration and referrals;<sup>40</sup>
  - cooperation between authorities in States of origin and Central Authorities and / or AABs in receiving States regarding support for adoptees.<sup>41</sup>

## 2.3. Access to post-adoption services

Chart 1.c: To whom are the services provided?<sup>42</sup>

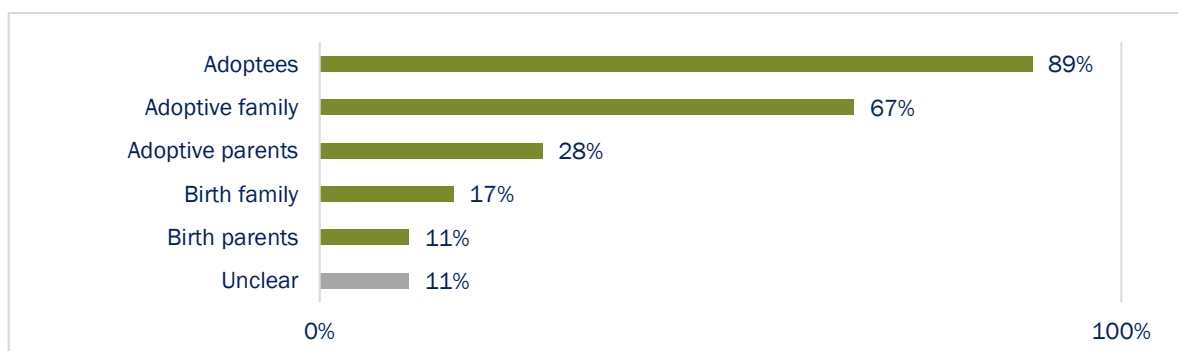




Chart 1.d: For what duration of time are the post-adoption services provided?<sup>43</sup>

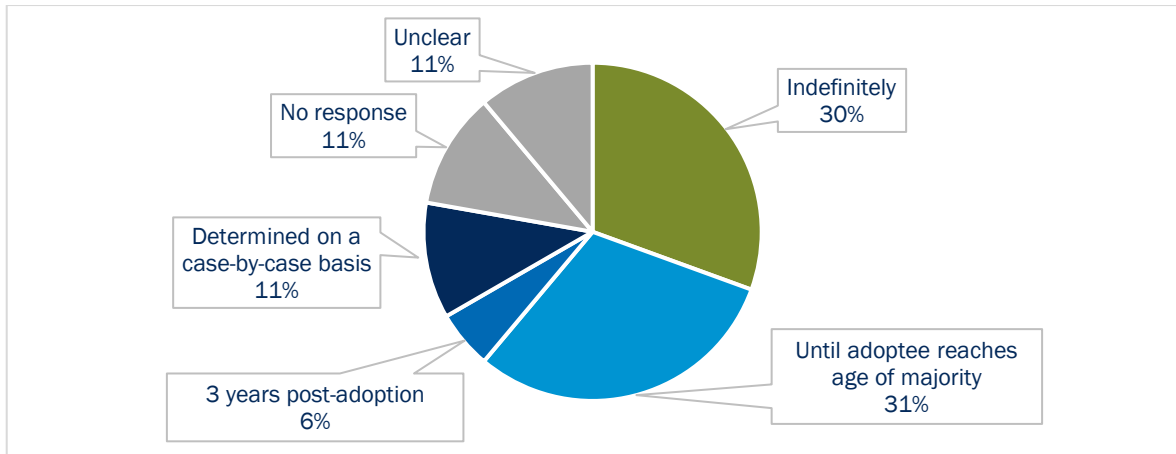
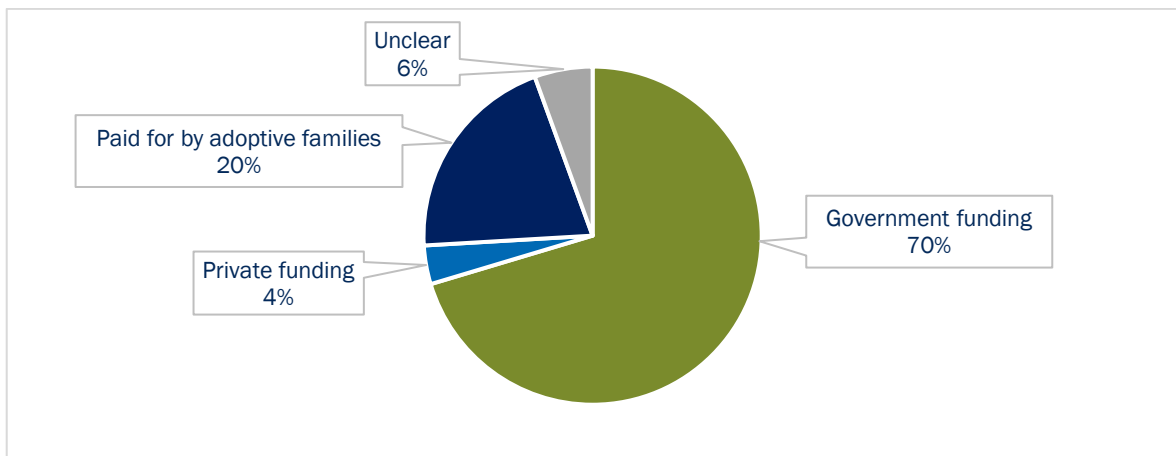


Chart 1.e: How are the post-adoption services funded?<sup>44</sup>



17. Some challenges:

- services are not always targeted to the actual needs of adoptees;
- adoptees living in more remote or rural regions do not have easy access to services;<sup>45</sup>
- general support services and materials not reflecting the needs of adoptees, and in particular children with special needs and / or older adoptees;<sup>46</sup>
- adoptive families being reluctant to reach out as they feel embarrassed to ask for help or feel they may have underestimated the needs of the adoptee;<sup>47</sup>
- adoptive families not wanting the involvement from third parties following the adoption;<sup>48</sup>
- lack of, or limited, services for birth parents / families;
- cost of post-adoption services:
- services for adoptees have a cost and are not provided for free;
- some services and / or support is available for free but only for a certain amount of time or for specific issues;
- costs for services vary and are not standardised;
- costs are even higher when the services are provided by private professionals, or when post-adoption services need to be provided for an extended period of time.

18. Examples of good practices:

- support is provided not only to adoptees but also to their adoptive family and birth family;<sup>49</sup>
- support provided takes into consideration the different needs of the adoptees and their adoptive family,<sup>50</sup> as well as birth parents, siblings or larger family;
- extra support for children with special needs (e.g., additional visits offered, creating support groups for adoptive families with similar experiences, social workers accompanying adoptive families to meetings with psychologists);
- post-adoption services, including support groups and associations, are funded by the State and are provided free of charge.<sup>51</sup>

## 2.4. Developing and raising awareness of post-adoption services

### 2.4.1. *Developing the services: listening to the voice of adoptees*

19. It is important that post-adoption services adequately meet the needs of adoptees and their adoptive families. In setting up their post-adoption services, a number of States consulted adoptees to facilitate the design, technical criteria and overview of specialised services to be offered.<sup>52</sup> States considered the voice of adoptees by:

- directly consulting with adoptees and their families;<sup>53</sup>
- inviting adoptees to provide written submissions on the design and access to services;<sup>54</sup>
- taking into consideration the observations and recommendations of adoptees presented on their behalf by adoptee organisations;<sup>55</sup>
- inviting adoptees to participate in education seminars targeted at PAPs;<sup>56</sup>
- asking adoptees to anonymously complete a questionnaire on their satisfaction with the services;<sup>57</sup>
- creating an adoptee mentorship programme where adoptees can support each other;<sup>58</sup>
- ensuring that adoptees hold a seat on independent advisory committees and boards;<sup>59</sup>
- providing post-adoption services where some of the professionals involved are adoptees.

20. However, some adoptees feel that more work needs to be done, and that there is a gap between the services provided and the needs of adoptees. Thus, some have created their own associations in which they provide the services and support that they need.<sup>60</sup>

### 2.4.2. *Raising awareness of post-adoption services*

21. In order for adoptees and their families to access such services, they need to know about their existence.

22. Some challenges:

- adoptees and / or adoptive families may not be aware of the extent or breadth of services available to them.<sup>61</sup>

23. Examples of good practices:

- the public is informed and sensitised to adoptions;<sup>62</sup>
- information, preparation and training of PAPs regarding post-adoption services is provided throughout the adoption process, including during the initial stages (e.g., PAPs informed of services during pre-adoption training);
- information on post-adoption services is public and / or available online (e.g., websites, social networks, flyers, brochures, newspapers);
- authorities actively promote and advocate the post-adoption services that are available;

- a public electronic mailbox is available for questions from adoptees and their families.<sup>63</sup>

### 2.4.3. Research

24. In addition to receiving feedback from adoptees and their families, it is also important that States assess the effectiveness and adequacy of the post-adoption services that they are providing in order to further develop these services. Some States have conducted research on their post-adoption services through comprehensive studies, anonymous surveys, monitoring commissions, and post-adoption diagnoses.<sup>64</sup>
25. In one State, indirect research was carried out by public health authorities on the adoptees' ability to adapt to their new home which helped inform the need for post-adoption services. Other States have ongoing research projects that are underway.<sup>65</sup>

## 2.5. In preparation for the 2022 SC Meeting

26. Having regard to the foregoing, participants are invited to consider the following ideas and matters, which may be raised at the Meeting of the SC. In addition, participants may also contact the PB in advance of the Meeting if they have comments or other ideas for discussion:

- a) How can States develop further specialised and quality post-adoption services?
- b) What can be done to ensure that post-adoption services are accessible not only to adoptees and adoptive families, but also to birth families?
- c) How can States further train professionals to respond to the unique needs of adoptees and their families?
- d) How can States develop further specialised services for children with special needs?
- e) How can States ensure that further specialised and quality post-adoption services are funded (or mainly subsidised) by governments?
- f) How can States ensure that adoptees and their families are aware of these services and can access them easily?
- g) How can States more carefully consider the role that adoptees can play in ensuring that the post-adoption services adequately meet their needs?
- h) What can be done to ensure more research into whether the post-adoption services meet the needs of adoptees and their families and how such post-adoption services can be improved?

### Further reading

- EurAdopt, [\*EurAdopt's Demand for Minimum Standards for Post-Adoption Services\*](#), 2019.
- International Social Service / International Reference Center for the Rights of Children Deprived of their Family (ISS/IRC), "[Intercountry Adoptee Suicide: Research and data collection is urgently required to inform post adoption services](#)", *Monthly Review*, No 255, September - October 2021, p. 10-12.

### 3. SEARCH FOR ORIGINS

27. The right of the adoptee to obtain information about their origins is well established in international law, in particular in the *United Nations Convention on the Rights of the Child* (UNCRC, Arts 7 and 8) as well as in the 1993 Adoption Convention (Art. 30). Knowing their origins is part of the identity of an adoptee, and thus the search for origins is very important to them. Today, there is an increasing number of adoptees searching for their origins, and thus the search for origins has become a current key topic in adoption for which further information and guidance is needed.

#### 3.1. Prerequisite to search for origins: collection and preservation of information

##### HCCH 1993 Adoption Convention

##### Which authority? Which information?

Article 9(a): “Central Authorities shall take, directly or through public authorities or other bodies duly accredited in their State, all appropriate measures, in particular to (a) collect, preserve and exchange information about the situation of the child and the prospective adoptive parents, so far as is necessary to complete the adoption;” [...].

Article 30(1): “The competent authorities of a Contracting State shall ensure that information held by them concerning the child's origin, in particular information concerning the identity of his or her parents, as well as the medical history, is preserved.”

##### HCCH documents

Adoption records “must contain the information referred to in Article 16 and, to the extent possible, any other information or personal items relating to the child or his or her birth family” (2010 SC, C&R No 28).

- Explanatory Report: paras 229–231; 506–511.
- GGP No 1: paras 564–571.

##### *3.1.1. General practices of States on the preservation of information*

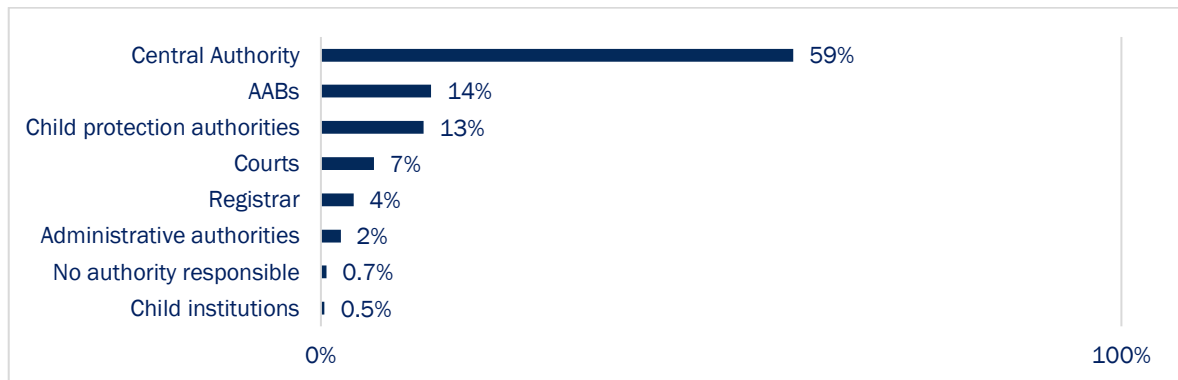
28. The collection and preservation of information is regulated by (adoption) laws and / or regulations in many States.<sup>66</sup> In addition, a few States have developed specific guides and / or guidelines to assist their authorities and bodies on how to collect and preserve such information.<sup>67</sup> Some States are also digitalising all information.<sup>68</sup>
29. Some challenges:
- the information (in its entirety) is not properly collected and / or preserved (including instances where the information is modified and the original information is not preserved);
  - most of the information is stored by private bodies only (e.g., AABs, child institutions);<sup>69</sup>
  - there is a lack of procedure regarding the handling and preserving of files when an AAB ceases its activities;
  - there is a perception that the responsibility for preserving adoption records lies only with the State of origin, and not with the receiving State.<sup>70</sup>

30. Examples of good practices:

- collection and preservation by an authority of all the information;
- digitalisation of all available information to facilitate its preservation and conservation.

**3.1.2. Authorities responsible for preserving the information**

Chart 2: Authorities responsible for preserving the information<sup>71</sup>



**3.1.3. Centralisation of the information preserved**

**HCCH documents**

“[T]he **centralisation of records could be established**, *i.e.*, the accredited bodies could deliver the closed case files to a competent authority (which could be the Central Authority) in order to preserve those files [...]” (GGP No 2, para. 129).

31. By centralising information, all data is preserved under the responsibility of one single public authority. In order to do so, authorities and bodies involved in the adoption procedure provide (a copy of) all the available information they have to the designated public authority. Centralisation enhances the correct preservation, security, (cost) efficiency, and accessibility of the information.

Chart 3: Centralisation of the information<sup>72</sup>

Chart 3.a: Is the information centralised?

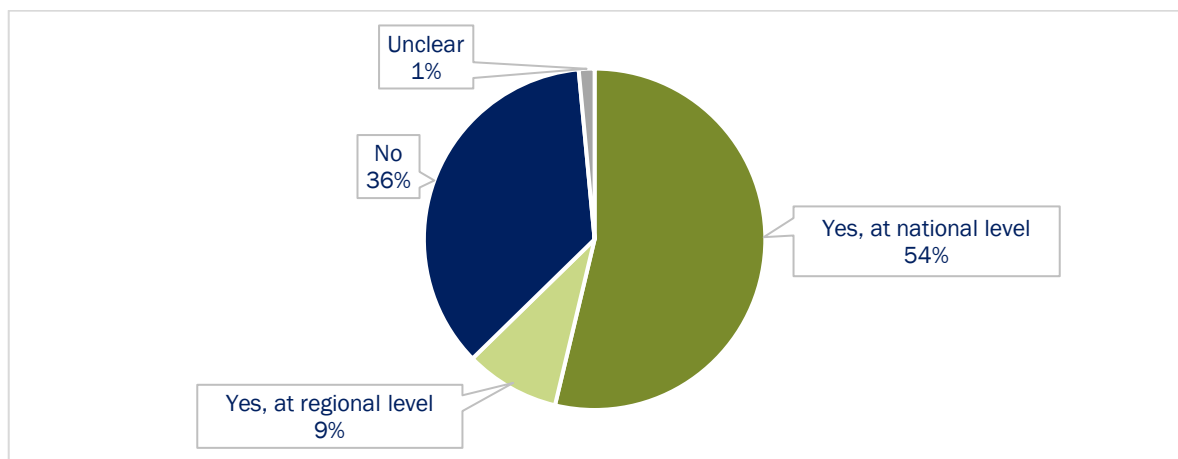


Chart 3.b: Yes, at *national* level – Authorities where the information is centralised

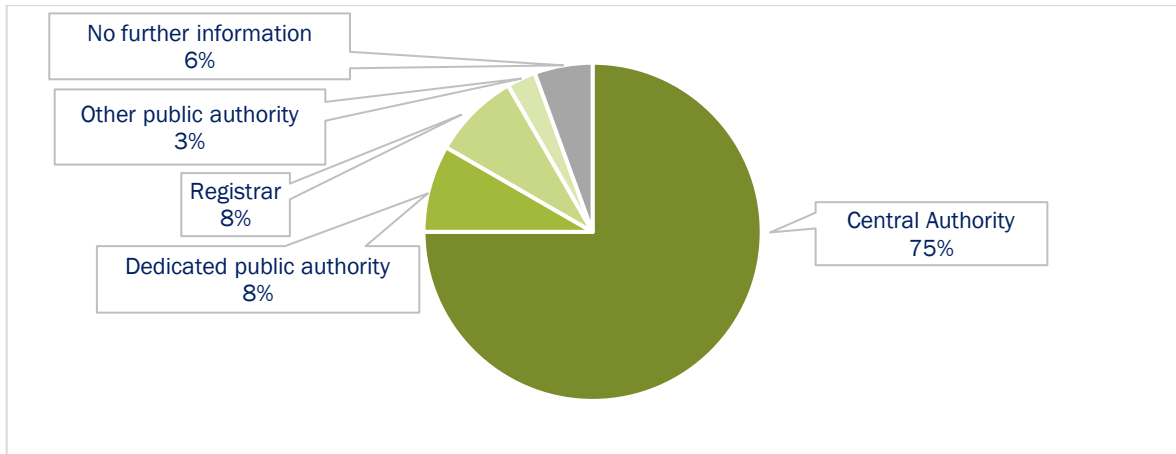
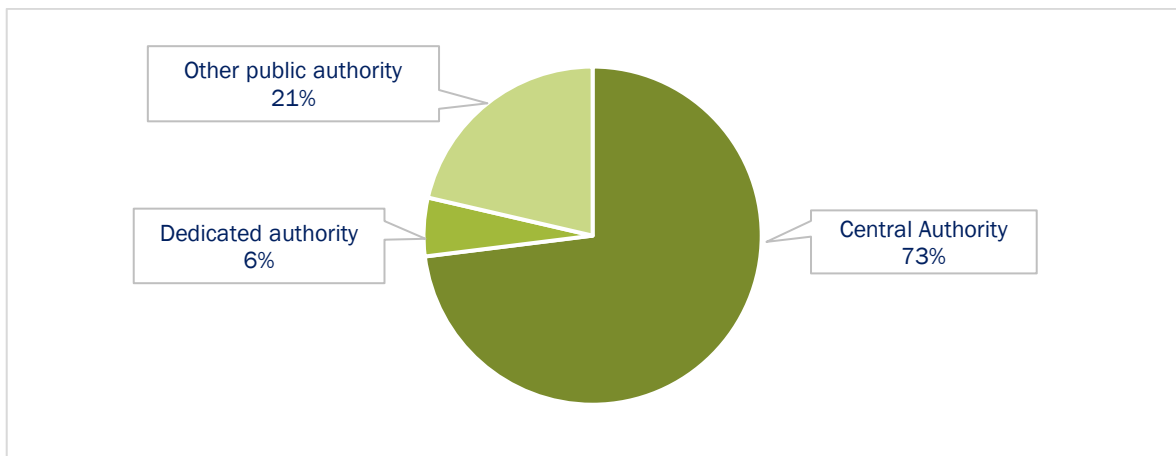


Chart 3.c: Yes, at *regional* level – Authorities where the information is centralised



32. Some challenges:

- information is not always centralised and is stored with different authorities and bodies;
- lack of understanding and / or awareness of the benefits of centralising the information;
- lack of a mandate of some Central Authorities to centralise the information;
- AABs / agencies<sup>73</sup> refuse to make their records available for centralisation;
- competent authorities are not able to / cannot oblige AABs / agencies to make their records available for centralisation;<sup>74</sup>
- the costs of centralisation (e.g., space to physically store the information, scanning the information);
- different information on the same adoption is stored by different authorities / bodies that may not be able (or may not want) to provide copies of such information to be stored by the centralising authority.

33. Examples of good practices:

- some States are centralising information on adoption, at least for adoptions made since the entry into force of the Convention in their State;
- authorities and (private) bodies involved in the adoption procedure provide a copy of all the available information they have to the designated centralised public authority;<sup>75</sup>
- at a minimum, if centralisation is not possible:

- the information is stored within public authorities;
- a focal contact point is established to gather all available information stored among different authorities.<sup>76</sup>

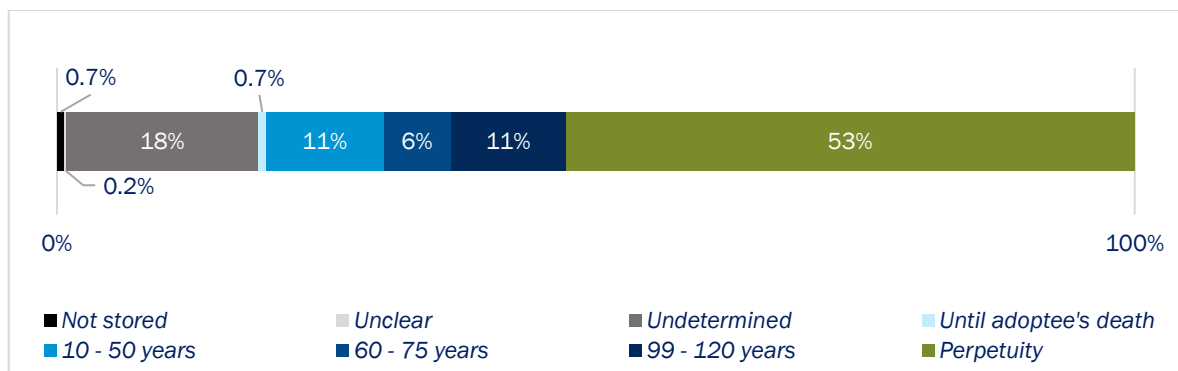
### 3.1.4. Preservation of information in perpetuity

#### HCCH documents

It was recommended that receiving States and States of origin preserve adoption records in **perpetuity** (2010 SC, C&R No 28).

Documents concerning adoption cases should be preserved in accordance with the laws of the State and preferably for an indefinite period [...] (GGP No 2, para. 129).

Chart 4: For what duration of time is the information preserved?<sup>77</sup>



#### 34. Some challenges:

- lack of clear regulation of the period during which information should be preserved;
- information not preserved in perpetuity.

### 3.2. General practices of States on search for origins

#### HCCH 1993 Adoption Convention

Article 30(2): “[The competent authorities of a Contracting State] shall ensure that that the child or his or her representative has access to [the] information [held by them concerning the child's origin, in particular information concerning the identity of his or her parents, as well as the medical history], under appropriate guidance, in so far as is permitted by the law of that State.”

Article 31: “Without prejudice to Article 30, personal data gathered or transmitted under the Convention, especially data referred to in Articles 15 and 16, shall be used only for the purposes for which they were gathered or transmitted.”

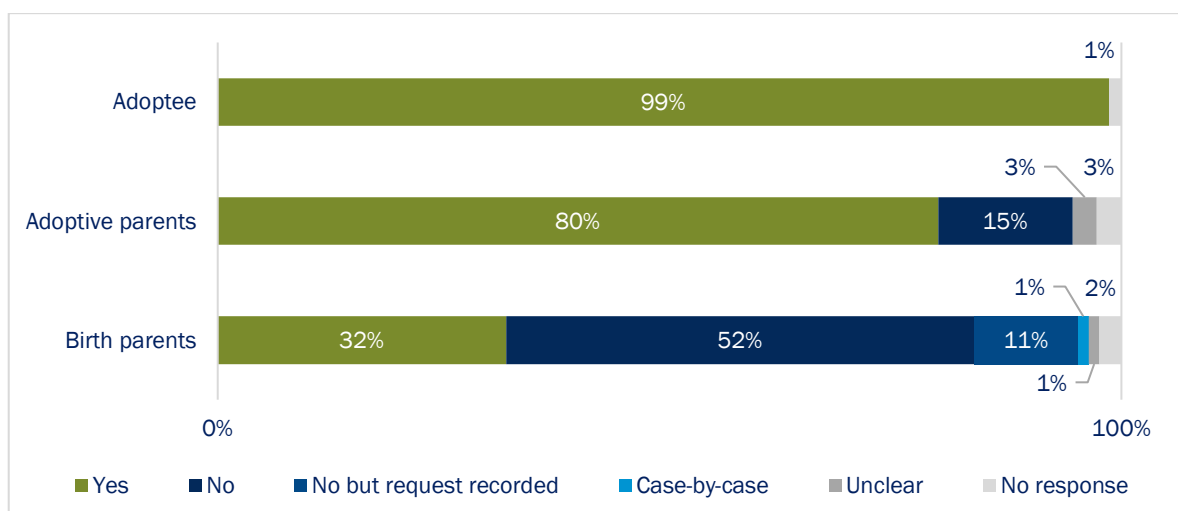
#### HCCH documents

- Explanatory Report: paras 512-525.
- GGP No 1: paras 572-578.

35. Legislation in many States includes the provision of access to information regarding origins.<sup>78</sup> Many States have also developed guides, manuals, protocols, guidelines, flyers or other materials on the search for origins which may be intended for practitioners and / or for adoptees and their families.<sup>79</sup> Other States are in the process of developing such materials.<sup>80</sup> In one State, a centre specifically dedicated to the search for origins (for adoptees but also for donor-conceived children) was created,<sup>81</sup> and a similar process is underway in another State.<sup>82</sup>
36. Some challenges:
- the information is not always easily accessible;
  - the information is not freely provided to adoptees but is only accessible at a (high) cost;
  - the information is not presented in its entirety to the adoptee (see section 3.5 below );
  - there is a lack of resources to retrieve the information;
  - there is a lack of understanding of the importance for adoptees to know about their origins for different reasons: legal, medical (to prevent hereditary diseases) and psychosocial (knowing wider family, existential questions, etc).
37. Examples of good practices:
- the information is easily accessible and provided free of charge in its entirety to adoptees;
  - digitalisation of the information including a search function of scanned documents to facilitate searches and find information in a faster and more efficient way;
  - cooperation between researchers / associations to improve practices;<sup>83</sup>
  - the promotion of open adoptions;<sup>84</sup>
  - prevention: authorities work closely with the PAPs during the adoption process to ensure they value search for origins and connection with birth parents.<sup>85</sup>

### 3.3. Persons who can access information in the context of a search for origins

Chart 5: Who can access the information?<sup>86</sup>



38. Adoptees, especially when nearing or attaining adulthood, as well as their descendants, increasingly express an interest or need to access information regarding their origins. In addition, the number of birth families searching for information about the adoptee is also increasing, however, their access to information about their adopted child is rather limited.
39. In many cases, there are requirements to access information. These requirements vary greatly from State to State. For example, in many States, adoptees need to be a certain age or mature



enough,<sup>87</sup> and / or have the consent of their adoptive parents in order to access the information.<sup>88</sup> For birth parents, if they are provided access to information, it is often subject to the adoptee having a certain age and / or the consent of the adoptee and / or the adoptive parents.<sup>89</sup> Consent of the birth parents may also be necessary in some instances for the adoptee to have access to their information.<sup>90</sup> In some other States, it is necessary to have a judicial decision to obtain permission to access the information.<sup>91</sup> Requirements to access information may also vary depending on whether the information being sought is identifying information or non-identifying information<sup>92</sup> (see further section 3.5).

40. Some challenges:

- the more criteria there are to access information (see para. above), the more it affects the possibility to have access to information in actual practice;
- limited or lack of access to (some) information by birth parents or birth parents having only access to information in the case of a simple adoption;<sup>93</sup>
- adoptees not being informed when their birth parents are searching for information about them. While this may protect the interest of adoptees (especially if they are minors), it may infringe other rights of the adoptee (e.g., right to know their origins).

41. Examples of good practices:

- many States are moving away from a culture of secrecy regarding adoption and are allowing adoptees to access information about their origins. The same is starting to happen for birth parents to be provided access, although at a slower pace;
- informing the adoptee, with proper counselling and support if needed, when there is new information in the dossier;
- ensuring that the descendants of the adoptees (e.g., their children) also have access to information about their origins;
- at a minimum, recording the requests of birth parents to obtain information about the child so that in the event that the adoptee requests access to their information at a future date, the adoptee would be informed about the birth parents' request (see Chart 5, responses under "No but request recorded"). This may be an option when the law does not allow birth parents to access information about the adoptee. However, the risk of not informing the adoptee directly is that by the time the adoptee accesses such information, their birth parents may, for example, be deceased.

### 3.4. Post-adoption services in the context of search for origins: access to information under appropriate guidance

#### HCCH documents

"[Both] States of origin and receiving States [should] provide different forms of assistance and counselling [to adoptees throughout their life, including for the] preparation for origin searches and reunions [...] with members of their birth families" (2010 SC, C&R No 29).

Adoptees should receive *professional* support at *all stages* of their search for origins (2015 SC, C&R No 21).

42. Appropriate guidance should be available to adoptees when they access information about their adoption (Art. 30(2)) to better accompany and support them. For example, adoptees may have some expectations or may have built their life story in a way that does not reflect reality, and thus, support may be important to assist adoptees to cope with the situation and challenges. Guidance should also be available for adoptive families as well as birth families. Such guidance may be provided through post-adoption services (see also section 2 above on general services).

Chart 6: Assistance provided during and / or after a search for origins<sup>94</sup>

Chart 6.a: Is any assistance provided?

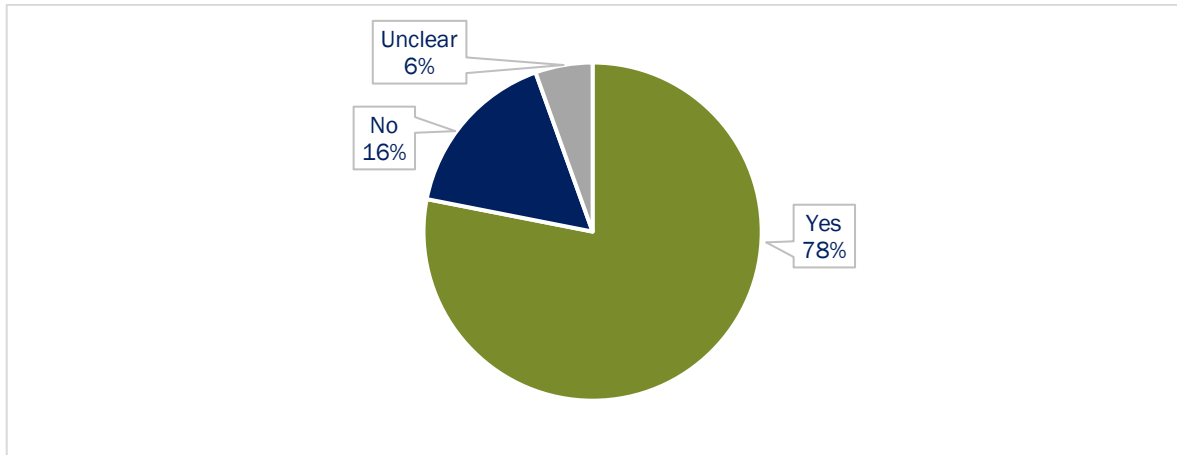
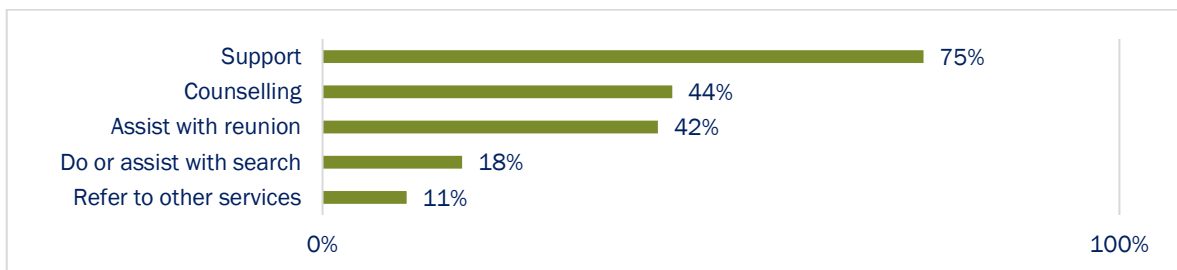


Chart 6.b: Yes – Which assistance is provided?



43. Assistance may be provided by the State through public authorities, but in some cases it is delegated to other authorities or bodies.<sup>95</sup> Some Central Authorities go a step further and have specialised programmes (or sections) on the search for origins. As part of these specialised programmes, different services may be provided (see Chart 7.b below).

Chart 7: Specialised programme for search for origins<sup>96</sup>

Chart 7.a: Do States have a specialised programme for search for origins?

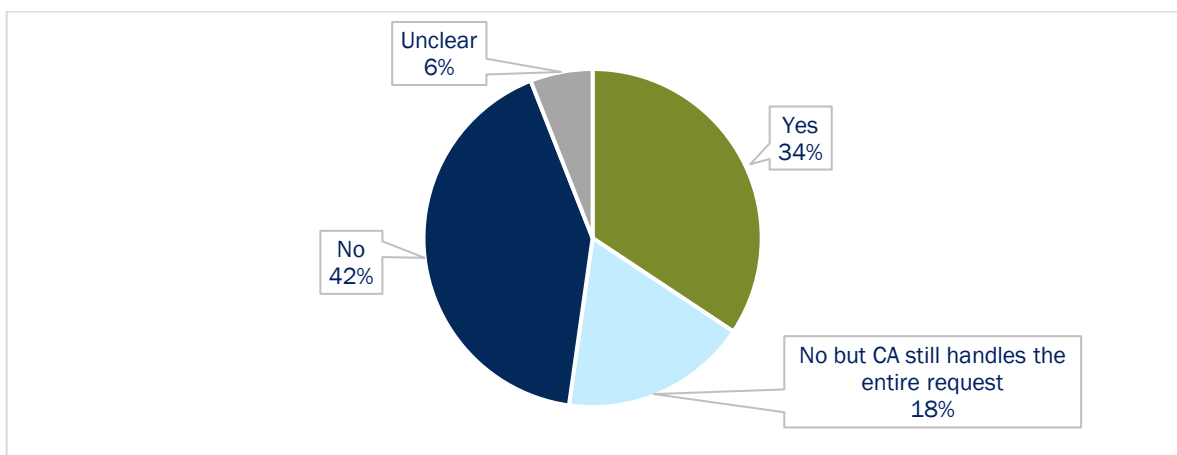


Chart 7.b: Yes – Which services are provided?

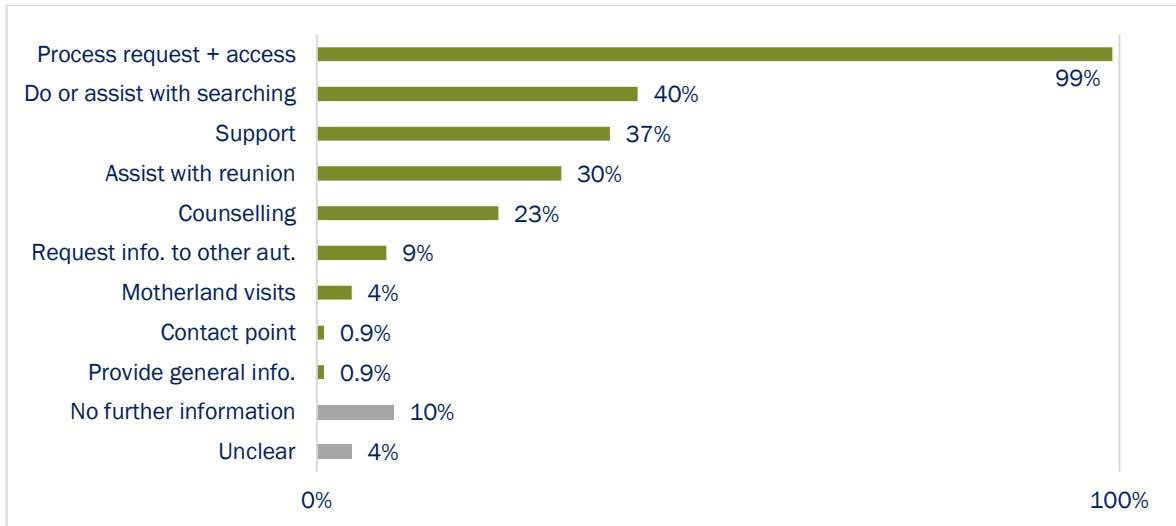
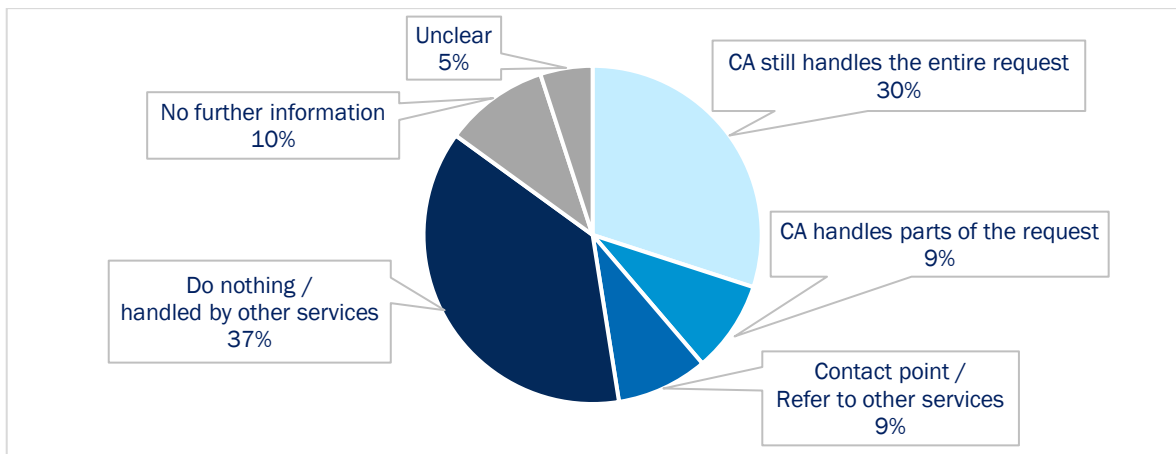


Chart 7.c: “No” and “No but CA still handles the entire request” – How is search for origins handled?



44. Some challenges:

- lack of awareness of adoptees and their families about accessible post-adoption services in the context of search for origins, and consequently, delays in accessing such services;
- search for origins can be (very) costly, especially if it is done by private agencies;
- adoptees resorting to private agencies / persons for the search of information due to the lack of results and / or guidance.<sup>97</sup> Such bodies / persons may lack professionalism and may “commercialise” the search;
- lack of services for search for origins in adoptions which have been done privately or independently, without the intervention of State authorities;
- perception that the responsibility to provide access to information lies only with the State of origin, and not with the receiving State;<sup>98</sup>
- specialised programmes:
  - it is not always clear what a programme specialised in search for origins entails, and which minimum services should be provided;<sup>99</sup>
  - there are no specialised programmes / services.<sup>100</sup>

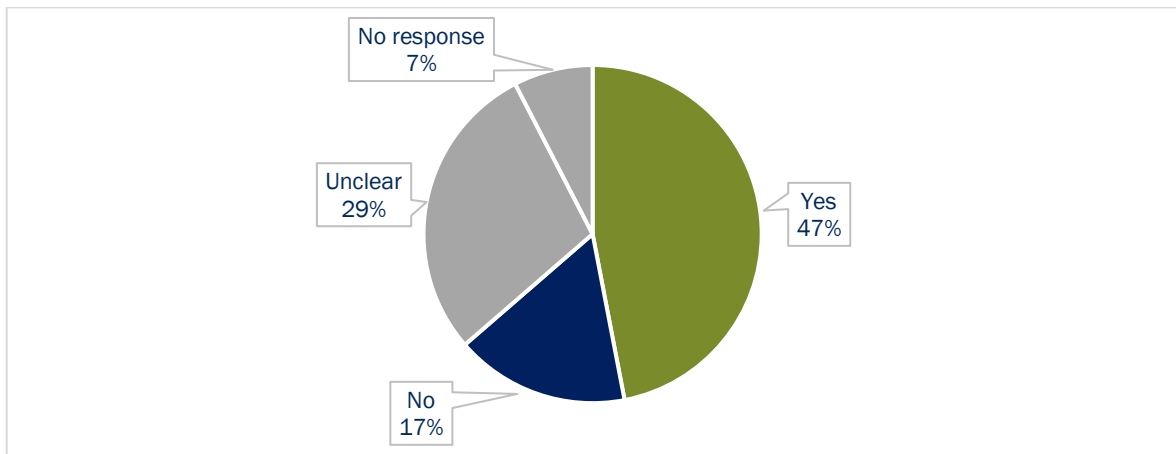
45. Examples of good practices:

- services for guidance in the search for origins are provided for free;
- support during a search for origins is provided not only to adoptees but also to their adoptive family and birth family;<sup>101</sup>
- international family mediation is used to assist with any possible reunion between the adoptee and their birth family;
- at a minimum, when not all information is available or when confidentiality regulations prevent disclosure of identity, there is a register where those wishing to meet each other can specify so. If those persons also come forward, a reunion will be made possible.<sup>102</sup>
- specialised programmes (or sections in the Central Authority) on the search for origins:
  - have access to services in one place which is more easily identified;
  - generate expertise and experience in the field of search for origins;
  - contain a contact point in their Central Authority which ensures continuity in interactions and which may reassure adoptees.<sup>103</sup>

### 3.5. The search for origins in light of data protection, confidentiality and privacy rules<sup>104</sup>

46. The right of the adoptee to access information regarding their origins is clearly established in international law (see para. 27 above). This has created a presumption in favour of access and should be recognised as the main rule (and not the exception). However, access cannot be unrestricted and, in some limited cases, may need to be balanced with the rights of other persons. For example, in some States, the identity of the birth parents may be kept confidential (for a certain period) to avoid possible reprisals if their identity is disclosed and / or to prevent the abandonment of children in unsecured areas.<sup>105</sup>
47. Confidentiality may be described as:
- absolute: even if the authority knows the identity of the birth parents, they will not disclose it;<sup>106</sup>
  - partial: confidentiality is guaranteed but only for a certain number of years, usually until the adoptee reaches a certain age;<sup>107</sup>
  - subject to the birth parents' consent: confidentiality is guaranteed but can be lifted if the birth parents give their consent;<sup>108</sup> or
  - *de facto*: the adoptee was found without any information about their birth parents and no further information could be found.
48. Some States have rules on confidentiality which make a difference between identifying and non-identifying information and allow the adoptee to more easily access non-identifying information.<sup>109</sup>
49. When searching for their origins, some adoptees may be satisfied when they obtain non-identifying information, as it already allows them to better understand their story and they do not necessarily feel the need to know or meet their birth family. However, for other adoptees, it is crucial to also obtain identifying information. It is therefore important that States can respond to the needs of all adoptees. It should also be noted that even when the adoptee could have access to identifying information, it does not necessarily mean that the adoptee and their birth family will (want to) meet.<sup>110</sup>

Chart 8: Do States operate a distinction between the disclosure of identifying versus non-identifying information?<sup>111</sup>



50. Some challenges:

- confidentiality is absolute and does not permit any exceptions, even for justified reasons;<sup>112</sup>
- regulations on data privacy<sup>113</sup> prevent the adoptee to access all information because most of the information that adoptees can access is redacted in order to “protect” the data of others;
- the use of baby boxes, anonymous births and secret births<sup>114</sup> prevent adoptees from having all relevant information about themselves later in life;
- prior to the adoption, finding the birth father may be more difficult as in some cases a proper search was not carried out to find him, and /or his identity is only based on information provided by the birth mother;<sup>115</sup>
- identifying information is more difficult to find compared to non-identifying information;<sup>116</sup>
- if a State does not guarantee any possibility for confidentiality, some birth parents may provide false information about themselves in order to protect their confidentiality, which may in turn affect the adoptee’s right to know their origins later in their life.<sup>117</sup>

51. Examples of good practices:

- cooperation between States, media campaigns, movies, books, etc, to raise awareness on the importance for adoptees to know their origins and thus limit confidentiality and situations where identifying information is not, or cannot be, disclosed;<sup>118</sup>
- before disclosing identifying information, birth parents are informed, and support is offered to the adoptee, the birth parents and the adoptive parents;<sup>119</sup>
- prevention: support being provided to birth families to prevent unnecessary separation, and if separation finally takes place and the birth family wants to remain anonymous, then use of confidential hospitals (instead of baby boxes or anonymous / secret births) to later on ensure a balance between confidentiality and the right to know origins;<sup>120</sup>
- at a minimum, when confidentiality is guaranteed, work is done to find solutions to lift it if it is absolutely necessary for the adoptee and in their best interests.<sup>121</sup>

### 3.6. When a search for origins leads to...

#### 3.6.1. ...finding incomplete or non-existent information

52. The search for origins may lead to not finding any information or finding incomplete information. In such situations, it is key to provide counselling and support<sup>122</sup> to the adoptee; refer them to the relevant authorities that may have more information; and / or assist them in finding further information (this may include contacting the authorities in the other State).<sup>123</sup> Some States provide information to adoptees about the context in which their adoption took place at the time.<sup>124</sup>
53. In a few States, it is the AAB which provides the assistance.<sup>125</sup> In other States, each situation is handled on a case-by-case basis.<sup>126</sup> Some States cannot assist adoptees in such situations.<sup>127</sup>
54. Some challenges:
- if authorities do not provide support, it may be difficult for the adoptee to get any appropriate support at all;
  - if proper support is not provided, adoptees may seek assistance by using private bodies with the risks that this may entail<sup>128</sup> (e.g., lack of professional experience in adoption, large amounts of money requested);
  - States do not always respond to requests for further information from other States<sup>129</sup> or do not respond in a satisfactory manner;<sup>130</sup>
  - not finding information or finding incomplete information may be in some cases an indication of illicit practices.
55. Examples of good practices, when no information or limited information is found:
- creation of adoptee groups experiencing similar situations;<sup>131</sup>
  - assisting adoptees to reconstruct their stories based on the (limited) information available<sup>132</sup> (e.g., based on historical and objective information about the political socio-economic situation of the State of origin provide at least some context);
  - organising a meeting between the adoptee and the person who found them;<sup>133</sup>
  - prevention: some States request more information if the child's file is incomplete:<sup>134</sup> if incomplete files are refused at the time of the adoption procedure, it prevents the risk that the adoptee will find incomplete or non-existent information in their file when they search for their origins and get access to their information later in their life.

#### 3.6.2. ...discovering possible illicit practices

##### HCCH documents

See draft HCCH Toolkit on Preventing and Addressing Illicit Practices, in particular:

- draft Fact Sheet 11: No Preservation of, or [Unlawful] Denial of Access to, Information Regarding Origins; and
- draft Part IV – Model Procedure to respond to illicit practices

56. With regard to the suspicion of illicit practices themselves, some States, before taking any action, assess the nature and scope of the suspected illicit practices,<sup>135</sup> as well as request further information in order to clarify the situation and better understand it.<sup>136</sup> If relevant, States then usually notify or inform the relevant authorities in their State (e.g., prosecutor, attorney general, ministry, courts, police),<sup>137</sup> in order to request or start an investigation.<sup>138</sup> Some other States approach such a situation on a case-by-case basis.<sup>139</sup> Other States report not having any practice for such situations.<sup>140</sup>

57. If after an investigation, the illicit practices are proven, States will provide for some possible remedies.<sup>141</sup> Some States also noted that it may be possible to annul or revoke the adoption.<sup>142</sup>
58. Some challenges:
- where illicit practices are suspected, it may be difficult to obtain reliable information;<sup>143</sup>
  - many States inform the relevant competent authorities; however, few authorities provide specific counselling and support to adoptees who are faced with such situations.
59. Examples of good practices:
- cooperation between Central Authorities to share the concerns;<sup>144</sup>
  - support by specialised groups and specialised psychological follow-up;
  - when the search for origins leads to the discovery of possible illicit practices, adoptees receive adequate support<sup>145</sup> and are assisted to contact the appropriate authorities in their State (e.g., to inform and request an investigation)<sup>146</sup> and in the State of origin.<sup>147</sup>

### 3.7. Possible ways to increase the chances to access information about origins

60. Several strategies may be implemented in order to promote the chances of success in a search for origins. This section analyses two of them: the preparation of PAPs for a possible future search and the use of DNA tests to find the adoptee's birth family and verify and ensure their blood connection.

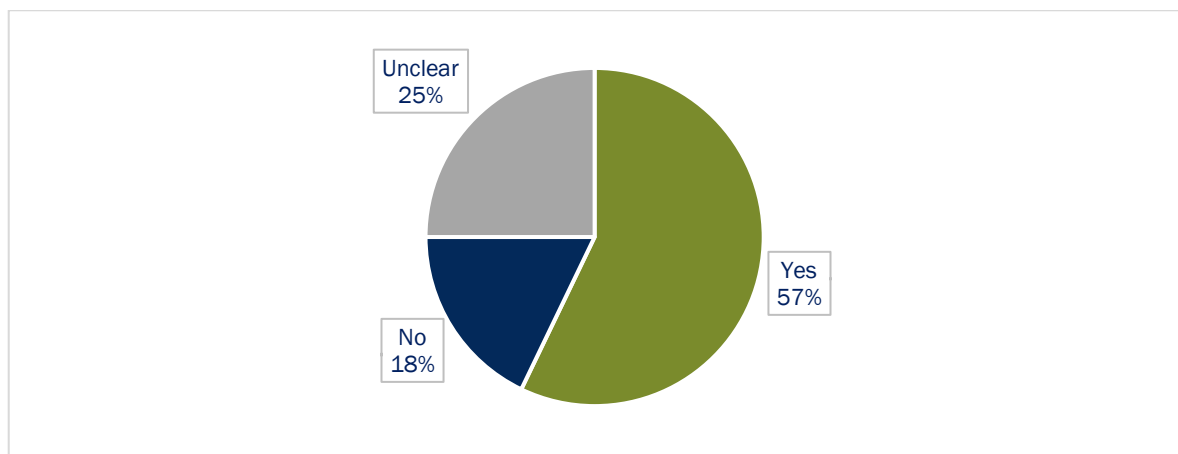
#### 3.7.1. Preparation of the PAPs for a future search for origins of the adoptee

##### HCCH documents

Counselling and preparation of the PAPs should include the adoptee's search for their origins (2015 SC, C&R No 21).

61. If, at the time of deciding to adopt, PAPs are made aware of the importance of access to information for the adoptee, they will be more eager to support and guide the adoptee, if need be, in the future.

Chart 9: Is search for origins included in the counselling and preparation of PAPs provided in receiving States? <sup>148</sup>



62. Some challenges:

- lack of expertise in search for origins of actors involved in the counselling and preparation of PAPs;<sup>149</sup>
- lack of knowledge by adoptive parents on how to support the adoptee, despite the fact that the search for origins was included as a part of the PAPs's preparation.

63. Examples of good practices:

- work done to raise awareness of the importance of the search for origins throughout adoption, as well as after the adoption;<sup>150</sup>
- preparation of the PAPs:
  - to ensure that they understand the importance of the search for origins for both the adoptee<sup>151</sup> and the birth parents;
  - by including meetings with adoptive parents to share their experience with the search for origins;<sup>152</sup>
- counselling of PAPs to:
  - invite them to consider how they will react and support their adopted child with their search for origins and / or if the birth parents are searching for their adopted child;
  - provide relevant information on the search for origins, including which organisations can assist with this search;
- developing materials (e.g., guides, guidelines, brochures, flyers) to assist those involved in the preparation and counselling of PAPs on the search for origins.<sup>153</sup>

**3.7.2. DNA testing in the context of a search for origins**

64. Some adoptees use DNA tests to find their birth families, but the law and practice vary greatly between States:

Chart 10: DNA testing for search for origins<sup>154</sup>

Chart 10.a: Do States permit DNA testing for search for origins?

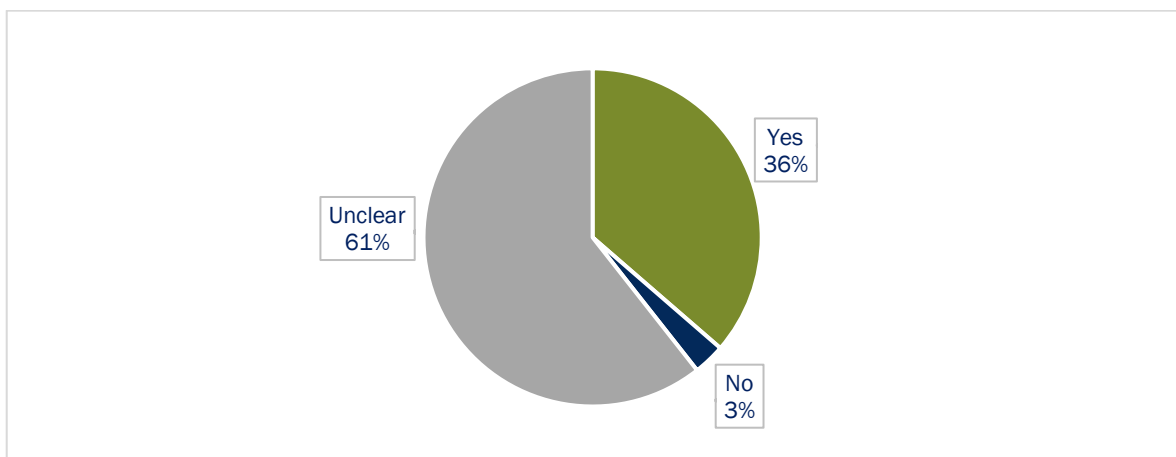




Chart 10.b: Yes – Which body is in charge of DNA testing?

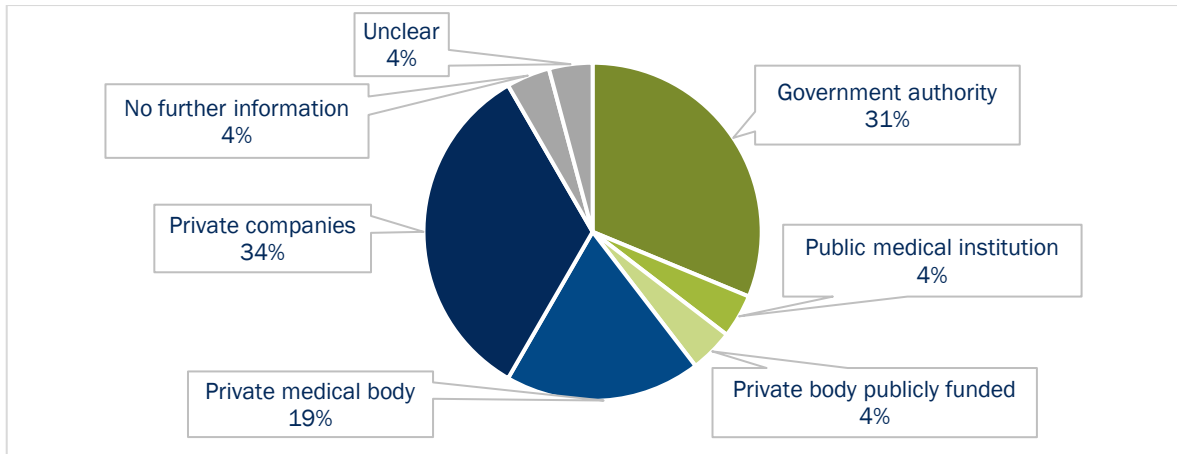


Chart 10.c: Yes – Where is the data stored?

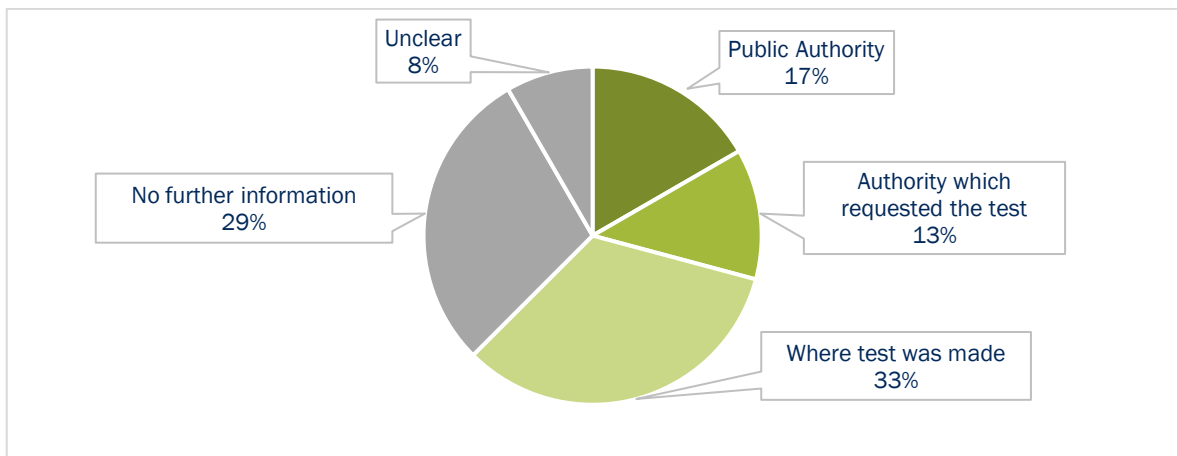
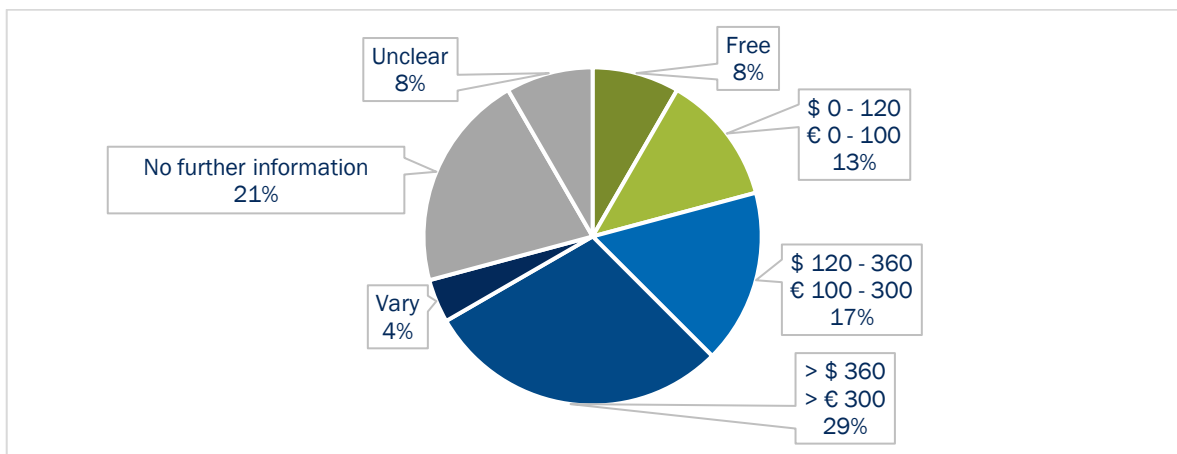


Chart 10.d: Yes – What is the average cost?



65. Some challenges:

- DNA tests are rarely offered by the Central Authority (or another public authority) and are rarely accompanied with counselling and / or support;<sup>155</sup>
- general DNA banks, mainly run by private companies:
  - may not provide counselling or support (adoptees are not supported and may not know how to handle the situation they find themselves in after they have made the test);
  - do not always clearly provide how the data is stored and being used (risks in terms of data protection<sup>156</sup>);
  - are not necessarily targeted for adoption purposes specifically;
- the costs of DNA tests vary widely and can still be expensive,<sup>157</sup> in particular if paid for by the adoptee;
- DNA tests that are permitted only between adoptees and their birth parents, but not between siblings.<sup>158</sup>

66. Examples of good practices:

- creation of a DNA bank, in particular for adoptions where the identity of the adoptee or their birth parents was misrepresented;<sup>159</sup>
- pre-approval of a test by an authority to provide more guarantees in terms of the trustworthiness of a test, protection of data and costs.

67. For some adoptees, when balanced with the costs of resources to search for information, costs for DNA testing can be seen as much lower and efficient. Thus, they are advocating for specialised DNA banks where both adoptees and birth families would provide samples of their DNA and the “bank” would be able to “match” adoptees with their birth families. If such DNA banks are national, there should be a possibility for States to cooperate to share the data from their respective banks.

### 3.8. Statistics about adoptees searching for their origins

68. The collection and analysis of statistics is important in measuring the effective implementation of the Convention and to facilitate a better understanding of adoption.<sup>160</sup> Most Central Authorities collect statistics about the number of intercountry adoptions (Art. 7(2)) and some also collect statistics on the number of adoptees searching for origins. However, the information provided is still very limited, and thus only a few of these States report a large number of adoptees searching for their origins.<sup>161</sup>

69. When collecting statistics on the number of adoptees searching for origins, Central Authorities may categorise such searches as being “un/successful.” However, the criteria for considering a search successful or not differs between States. For some, “successful” means that the adoptee found their birth family; for others “successful” means that the adoptee is satisfied with the information found<sup>162</sup> (in some cases, it necessarily involves the adoptee finding and meeting their birth parents while other adoptees may be satisfied with other or non-identifying information). On the other hand, a search may be considered “unsuccessful” because information was not found or was not sufficient;<sup>163</sup> information was incorrect (which may mean that illicit practices took place);<sup>164</sup> the necessary consents were not given or the possibility to meet was declined;<sup>165</sup> the birth parents had died;<sup>166</sup> there was a lack of cooperation of the relevant authorities;<sup>167</sup> the adoptee decided to stop the search;<sup>168</sup> or the applicable law did not permit access to such information (e.g., adoptee was too young, access to information was possible for adoptees but not for birth parents).<sup>169</sup>

### 3.9. In preparation for the 2022 SC Meeting



70. Having regard to the foregoing, participants are invited to consider the following ideas and matters, which may be raised at the Meeting of the SC. In addition, participants may also contact the PB in advance of the Meeting if they have comments or other ideas for discussion:

#### **Prerequisite to search for origins: collection and preservation of information:**

- a) What can be done to ensure that information in its entirety is properly preserved?
- b) What can be done to ensure that all information is centralised and that this is done by one public authority?
- c) What role can technology have in collecting, centralising and preserving information?<sup>170</sup>
- d) Recommend that all information that should be preserved is centralised in one authority (*i.e.*, authorities and bodies involved in the adoption procedure should provide a copy of all the information that they have collected to such centralising authority).<sup>171</sup>
- e) Recall 2010 SC, C&R No 28 on the preservation of adoption records in perpetuity and recommend that it be implemented in all Contracting Parties to the 1993 Adoption Convention, and regulated by law or regulations.

#### **Persons who can access information in the context of search for origins:**

- f) How should access to origins be further encouraged? Should the requirements to access information be more flexible (*e.g.*, age of the adoptee, authorisations)?
- g) Should birth parents (families) be provided with easier access to information about the adoptee?

#### **Post-adoption services in the context of search for origins:**

- h) How should States ensure that public authorities (or other authorities publicly funded) provide adoptees with assistance with their search for origins and that they are specialised in the search for origins?
- i) How could services be more visible to adoptees, so they are aware about how to request them when they need them?
- j) How can it be ensured that services provided are of high quality and targeted to the real needs of adoptees?
- k) Reiterate 2010 SC, C&R No 29 and 2015 SC, C&R No 21 on assistance, counselling and professional support to adoptees searching for their origins in all Contracting Parties to the 1993 Adoption Convention, and extend it to other interested persons such as birth parents and adoptive parents.
- l) Which minimum services should be provided to consider that the Central Authority has a specialised programme (*e.g.*, counselling, support, assistance with understanding the information, assistance with search for origins and reunion, meetings with other adoptees with similar lived experience)?
- m) Should the Central Authority be able to delegate the establishment of such a programme to other competent authorities or bodies?

#### **The search for origins in light of data protection, confidentiality and privacy rules:**

- n) How to ensure that access to origins is the general rule, and confidentiality the exception?
- o) Should the disclosure of identifying information be the general rule (and thus confidentiality should not be absolute) and such a disclosure only be refused in exceptional cases?
- p) Should the disclosure of non-identifying information always be possible and not be subject to any limitation?

**Possible ways to increase the chances to access information about origins:**

- q) Recommend that States ensure that adoption files are as complete as possible to later on facilitate search for origins.
- r) Reiterate 2015 SC, C&R No 21 on counselling and preparation of the PAPs including the adoptee's search for their origins.
- s) Recommend that birth parents are also informed and counselled about the search for origins.
- t) Encourage States to actively reach out to all their adoptees to inform them about the post-adoption services available and have a better understanding of their actual needs to assist them further and better.
- u) Should States more easily permit DNA testing to search for origins, between the adoptee and their wider birth family (e.g., including siblings) by establishing specific policies? How could States of origin and receiving States cooperate in order to exchange data from DNA tests?

**When search for origins leads to incomplete / inexistent information and / or illicit practices**

- v) Recommend further counselling and support to adoptees for these cases.
- w) Recommend States to use the draft Toolkit, in particular Part IV on the Model Procedure, to address illicit practices, to deal with illicit practices.

**Statistics about search for origins, as well as general research on the topic**

- x) Encourage States to gather more statistics, data and research about search for origins.

**Further reading**

- ISS/IRC, *[Intercountry Adoption and search for origins: A guide for adoptees](#)*, 2018.
- C. Jeannin and J. Roulez, *[Access to origins: Panorama on legal and practical considerations](#)*, Geneva, Switzerland, ISS, 2019.
- C. Jeannin and M. Dambach, *[Policy Brief 1: Respecting the child's right to identity in intercountry adoption](#)*, Geneva, Switzerland, Child Identity Protection, 2021.
- ISS/IRC, "[RACINE project: How to support adoptees in their search for origins](#)", *Monthly Review*, No 256, November 2021, p. 13-14.

## 4. POST-ADOPTION REPORTS

### HCCH 1993 Adoption Convention

#### Article 9

“Central Authorities shall take, directly or through public authorities or other bodies duly accredited in their State, all appropriate measures, in particular to – [...]

- d) provide each other with **general evaluation reports** about experience with intercountry adoption;
- e) **reply**, in so far as is permitted by the law of their State, to **justified requests** from other Central Authorities or public authorities for information about a **particular adoption** situation.”

#### HCCH documents

- Explanatory Report: paras 236-241.
- GGP No 1: paras 590-601.
- Draft Model Form “Post-adoption report on the child”, Prel. Doc. No 4 REV of April 2022 “Draft Recommended Model Forms for use under the 1993 Adoption Convention”.

- 71. Post-adoption reports on individual adoptions at regular intervals and for a fixed period is not regulated by the Convention.<sup>172</sup> In past SC meetings, post-adoption reports have been discussed at length as States of origin and receiving States have very different views on the use and purposes of these reports. The following compromise was made: receiving States were encouraged to comply with post-adoption requirements of States of origin, and States of origin were recommended to limit the period in which they require post-adoption reporting in recognition of the mutual trust which provides the framework for cooperation under the Convention.<sup>173</sup>
- 72. This section of the Discussion Paper aims at briefly presenting what is happening in practice with post-adoption reports, and the views of States on them. It is not aimed at re-opening the debate, but to make further advances in the general direction agreed to.

### 4.1. General practices and experiences of States regarding post-adoption reports

- 73. Despite the different views of States on this matter, States raised some of the following challenges and good practices:
- 74. Some challenges:
  - receiving States do not have any legislative authority to enforce the completion and / or sending of post-adoption reports;<sup>174</sup>
  - the rate of completed reports decrease as the adoptee gets older;<sup>175</sup>
  - there is an increased difficulty to ensure that reports are done when the relevant AAB ceases to operate;<sup>176</sup>
  - reports being misused: e.g., reports being made available to the birth families without the consent of the adoptive parents and / or adoptee;<sup>177</sup>
  - reports submitted late, missing, or incomplete;<sup>178</sup>
  - it may sometimes be difficult to find a balance between the right to privacy of the adoptee and the request of information by the State of origin.

75. Good practices:

- providing complete, accurate and timely post-adoption reports;<sup>179</sup>
- establishing a system for receiving and analysing post-adoption report;<sup>180</sup>
- cooperation between Central Authorities on this matter;<sup>181</sup>
- synthesising and archiving reports, and preparing annual reports which assess the development of adoptees.<sup>182</sup>

## 4.2. Requirements of post-adoption reports

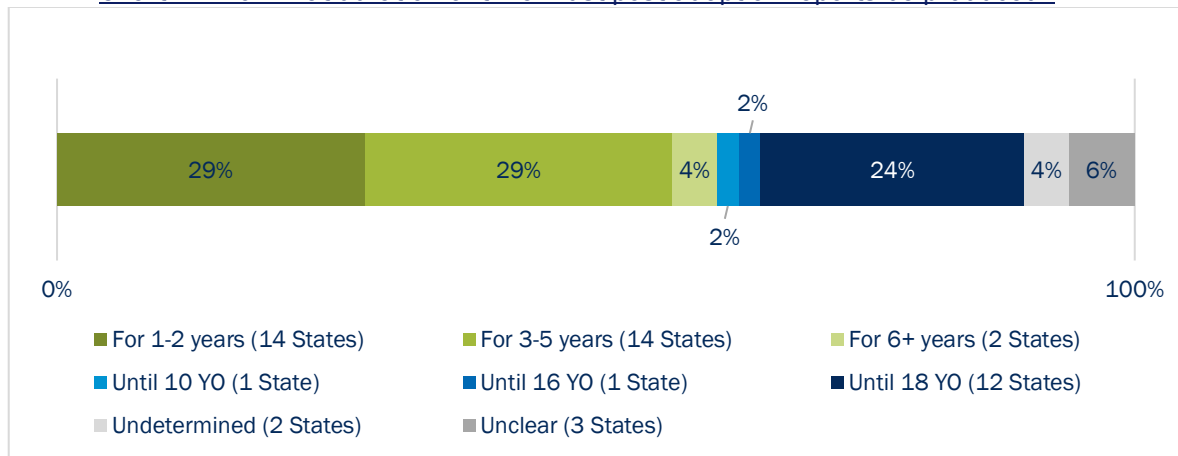
76. In many receiving States, the relevant authority or body informs PAPs about the duration, frequency, obligations, format and / or any other requirements of the reports of the State in which they would like to adopt.<sup>183</sup> This may be done during the application (to adopt) phase,<sup>184</sup> or the interview process.<sup>185</sup> In some States, PAPs need to commit prior to being declared eligible and suitable to adopt,<sup>186</sup> or confirm their commitment at the time of acquiring a visa for the adoptee.<sup>187</sup> In addition, some receiving States require the PAPs to sign a document - sometimes as a contract between the PAPs and the AAB - requiring the PAPs to comply with the post-adoption requirements set out by the State of origin.

### 4.2.1. Model forms

77. Templates and / or guidelines for post-adoption reports ensure uniformity of the information and a better understanding of the parameters.<sup>188</sup> However, only 31% of States of origin and 19% of receiving States use a model form for post-adoption reports (noting that receiving States would only use their own model form if the State of origin does not have one).<sup>189</sup>

### 4.2.2. Length and frequency of reporting period

Chart 11: For what duration of time must post-adoption reports be produced?<sup>190</sup>

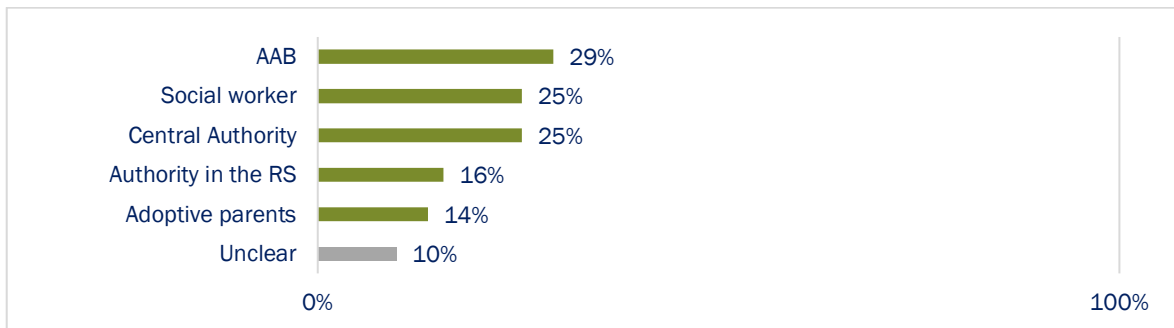


78. Some States of origin ask for more frequent reports just after the adoption (e.g., quarterly, semi-annually) and then decrease the frequency over the years (e.g., annually, biennially),<sup>191</sup> while others maintain the same level of frequency over the entire reporting period.<sup>192</sup> In other States, the frequency of reporting is based on the age of the adoptee.<sup>193</sup>

### 4.2.3. Writing and other requirements

79. Most States of origin require the report to be written in, or translated into, their official language(s).<sup>194</sup> Other States permit the reports to be written in English.<sup>195</sup>

Chart 12: States of origin: Who should be responsible for writing the post-adoption reports?<sup>196</sup>



80. Some States of origin require that post-adoption reports be accompanied by an Apostille.<sup>197</sup> Other States request photos and videos of the adoptee.<sup>198</sup>
81. Some challenges:
- States of origin have onerous and / or cumbersome follow-up requirements (e.g., annual reports, long reporting periods, Apostille, translation, videos) which make them more difficult to fulfil;<sup>199</sup>
  - post-adoption reports are prepared and signed only by the adoptive families without information being verified by AABs, Central Authorities or other professionals.<sup>200</sup>
82. Examples of good practices:
- reporting requirements are simplified (e.g., shorter reporting periods, less frequent submission, minimising notarisation, allowing email submission);
  - AABs include the cost of post-adoption reports in the overall fees of the adoption procedure.<sup>201</sup>

### 4.3. Incomplete and / or missing post-adoption reports

83. In some cases, States note that post-adoption reports are incomplete (information missing), do not comply with the requirements or have not been produced, submitted and / or delivered.
84. Some challenges:
- the reporting requirements outlined by the State of origin are unclear;<sup>202</sup>
  - reports being lost in the process of transmission (e.g., lost mail, negligence of local intermediary, failure to file, technical issues regarding online programs to which the reports have to be submitted),<sup>203</sup> change in contact details which is not communicated;<sup>204</sup>
  - adoptive parents:
    - raising privacy concerns over personal information required in the reports;<sup>205</sup>
    - refusing to comply with post-adoption reports, even if they had agreed to do so;<sup>206</sup>
    - unable to write reports until the end of the reporting period due to painful life events;<sup>207</sup>
    - only reporting on the positive developments and omitting sensitive information;<sup>208</sup>
    - not recognising the importance that States of origin give to post-adoption reports and / or doubting that the reports will be read and evaluated;<sup>209</sup>

- less likely to complete post-adoption reports in cases of self-reporting or intra-family adoptions.<sup>210</sup>
85. In some cases, the adopted child refuses or objects to comply with post-adoption report requirements. The reasons underlying the adoptee's objection to report include the following:
- privacy concerns over the disclosure of their personal information;<sup>211</sup>
  - feeling of intrusion during interviews<sup>212</sup> and / or home visits by social workers;<sup>213</sup>
  - discomfort sharing photos of themselves;<sup>214</sup>
  - increased feelings of insecurity as they get closer to the age of majority;<sup>215</sup>
  - not wanting to feel different from other children.<sup>216</sup>
86. Despite the fact that Central Authorities in receiving States cannot compel adoptive parents and adoptees to comply with post-adoption reporting requirements, many Central Authorities work with the adoptive families to encourage and support them to fulfil the requirements and monitor compliance.<sup>217</sup>
87. While in some States it is the Central Authority that is responsible for ensuring that reporting requirements are met,<sup>218</sup> in other States the AABs are legally obliged to ensure compliance and that the requirements of the State of origin are met.<sup>219</sup> In cases of noncompliance, the accreditation of the AAB may be suspended or withdrawn.<sup>220</sup>
88. In States of origin, the authorities will contact and notify the Central Authority and / or the AAB in the receiving State if the post-adoption reports are not submitted.<sup>221</sup> Depending on the severity or pattern of noncompliance, an AAB's authorisation may be suspended and / or withdrawn.<sup>222</sup> Similarly, some States may supervise or investigate the AAB in order to assess further cooperation and renewal of authorisation in the future.<sup>223</sup>
89. In cases where the post-adoption reports are not submitted in accordance with the requirements, some States of origin will return the reports to the AAB and / or Central Authority and request that reports be re-submitted with further information or corrections.<sup>224</sup> Some States also send an explanatory letter detailing the requirements and how they should be met.<sup>225</sup>
90. Examples of good practices:
- AABs maintaining ongoing contact with adoptive parents, supporting them and monitoring reporting compliance;<sup>226</sup>
  - ensuring that online databases for submitting post-adoption reports are working properly, are free of technical problems and are secure;<sup>227</sup>
  - close cooperation between the Central Authorities of the State of origin and receiving State in order to keep each other informed and notified of difficulties encountered.<sup>228</sup>

#### 4.4. Use of post-adoption reports by States of origin upon receipt

91. Following receipt of post-adoption reports from the receiving States, many States of origin archive the reports in the adoptees' file.<sup>229</sup> The reports assist States of origin in:
- following up on the development and integration of the child in their adoptive family and environment,<sup>230</sup> and identifying any (general) problems or difficulties in the adoption process;<sup>231</sup>
  - determining whether any (additional) support is needed for the specific adoptee;<sup>232</sup>
  - determining whether a home visit or family accompaniment is necessary;<sup>233</sup>
  - improving future adoptions by understanding patterns of issues revealed by the post-adoption reports and subsequently correcting or mitigating those issues;<sup>234</sup>



- collecting information for statistics, reports and analysis.<sup>235</sup>

#### 4.5. In preparation for the 2022 SC Meeting



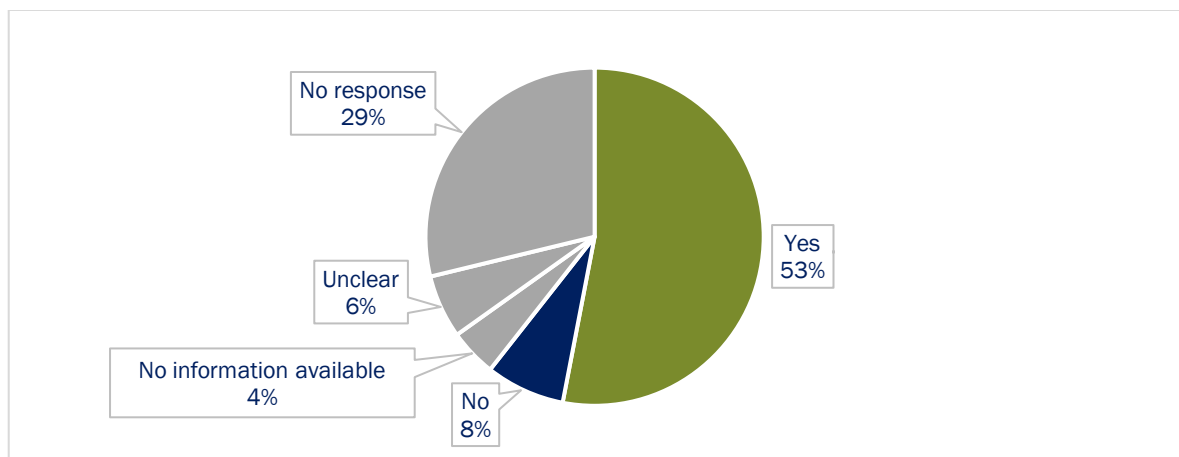
92. Having regard to the foregoing, participants are invited to consider the following ideas and matters, which may be raised at the Meeting of the SC. In addition, participants may also contact the PB in advance of the Meeting if they have comments or other ideas for discussion:
- a) What can be done to ensure that post-adoption reports provide information to the States of origin without intruding on the adoptee's and / or adoptive family's privacy?
  - b) How should complying with reporting requirements be further encouraged? Should the requirements be more flexible (e.g., shorter reporting periods, less personal information, etc.)?
  - c) What information from the post-adoption reports and what analysis tools may best help States assess how to best support adoptees and improve future adoptions?

## 5. ADOPTION BREAKDOWNS *AFTER* THE ADOPTION HAS BEEN COMPLETED

93. The 1993 Adoption Convention provides for the procedure applicable if the placement of a child fails *before* the intercountry adoption has been completed (Art. 21), but not afterwards. However, States have shown an interest to learn from adoption breakdowns<sup>236</sup> which happen *after* the adoption has been completed in order to try to prevent them from happening in the future. Thus, this section tries to present some information about the situation in different States. It includes information irrespective of the adoptee's age (*i.e.*, whether the breakdown happens when the adoptee is still a child or already an adult).

### 5.1. Experience of States with regard to adoption breakdowns

Chart 13: Are Central Authorities aware of any situations where an adoption which involved their State broke down?<sup>237</sup>



94. In most States, it is the general child protection services which are in charge of dealing with any breakdown (*i.e.*, independently of whether the family includes adopted children or not).<sup>238</sup> These services may not have any obligation to inform the Central Authority and / or the Central Authority may not have any right to request / be provided such information.<sup>239</sup>

95. Good practices:

- child protection services inform their respective Central Authority in case of a breakdown of an adoption so they can have the information necessary to carry out their overall functions effectively (Art. 9(c));
- child protection services have professionals trained and experienced in dealing with adoption cases.

### 5.2. Causes of adoption breakdowns

96. Some reasons<sup>240</sup> (or problems) that may cause an adoption to break down may be related to:

- Different stages of the adoption procedure:
  - the assessment of the PAPs' suitability to adopt and / or of the child's special needs were not thoroughly evaluated;<sup>241</sup>
  - the preparation of the PAPs and / or the child to the adoption (*i.e.*, before they meet for the first time) was not sufficient and / or properly done;<sup>242</sup>
  - the matching was not properly done.<sup>243</sup>

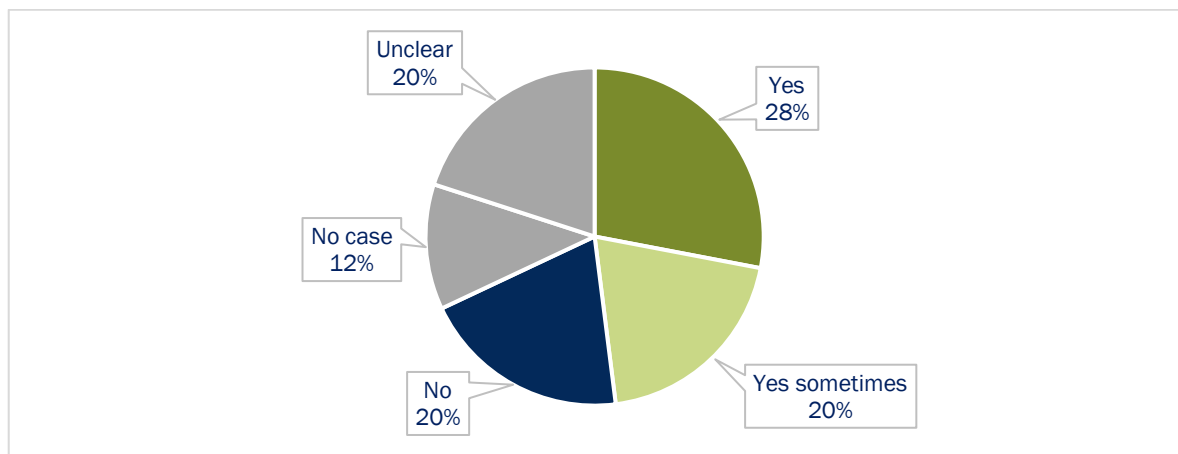
- The type of adoption that took place, in particular:
  - adoption of older children;<sup>244</sup>
  - intrafamily adoption;<sup>245</sup>
  - adoption by a single adoptive parent.<sup>246</sup>
- Factors after the adoption has been completed:
  - the child and the adoptive parents:
    - did not have sufficient and / or proper support<sup>247</sup> (see above, section 2);
    - could not adapt or bond to each other,<sup>248</sup> including, for example, if the child had attachment issues because of their background;<sup>249</sup>
    - relationship deteriorated over the years, in particular during adolescence,<sup>250</sup> or if the relationship between the adoptive parents themselves deteriorated;<sup>251</sup>
    - child protection concerns, including behaviour of the adoptive parent(s) towards the adopted child;<sup>252</sup>
    - the child developed psychological and / or behavioural problems after the adoption;<sup>253</sup>
  - the adoptive parents:
    - developed psychological problems;
    - had different expectations of adoption and / or the child;<sup>254</sup>
    - were not able to cope with the child's needs and / or behaviour,<sup>255</sup> which may be due to a lack of support for the adoptee and the adoptive parents, to the child or adoptive parents' past,<sup>256</sup> and / or to an inadequate assessment of the PAPs' suitability to adopt or the child's needs.

### 5.3. Cooperation in cases of adoption breakdowns

#### 5.3.1. Cooperation between competent authorities and Central Authorities in receiving States

97. Cooperation between the general child protection services and the Central Authorities may be beneficial since they have different expertise that may benefit the adoptive family (*i.e.*, child protection services have experience in family issues and the Central Authority is specialised in adoption matters).<sup>257</sup>

Chart 14: Are Central Authorities in receiving States informed / consulted by the competent authorities in case of adoption breakdown?<sup>258</sup>



98. Central Authorities are more often informed if the breakdown occurs shortly after the adoptive family returns to the receiving State with the adopted child, than if the breakdown occurs at a later stage.<sup>259</sup>

99. Some challenges:

- child protection services usually have no obligation to inform the Central Authority.<sup>260</sup> However, if it is decided that it will be in the best interests of the child to return to their State of origin, then there may be an obligation to inform the Central Authority;<sup>261</sup>
- while Central Authorities may be informed if the child is brought into alternative care, they are usually not informed as soon as serious issues in the family arise.<sup>262</sup>

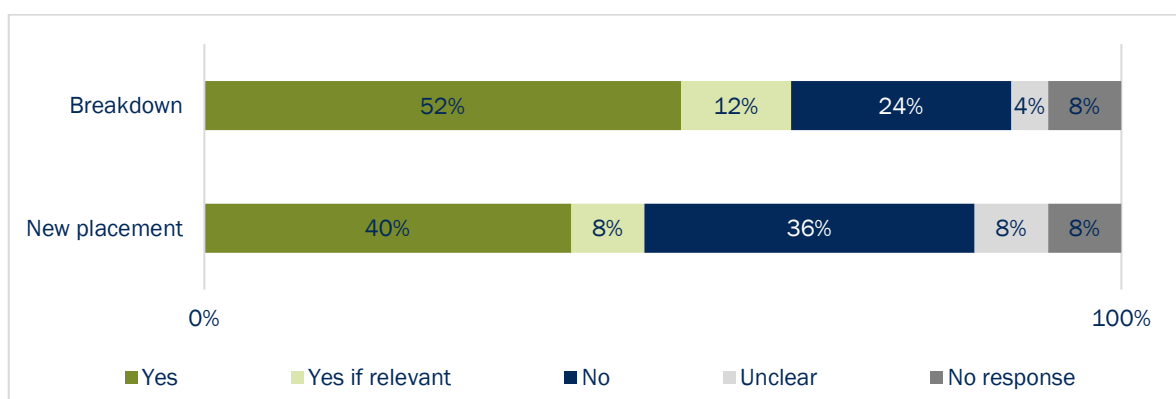
100. Examples of good practices:

- in some States, there is an obligation to inform the Central Authority in case of adoption breakdown;<sup>263</sup>
- Central Authorities which are informed about the problems help the competent authority by providing relevant information to assist in finding a solution.<sup>264</sup>

### 5.3.2. Cooperation between the receiving State and the State of origin

101. In case of adoption breakdowns, the cooperation between the Central Authorities of the receiving State and the State of origin may be beneficial as both authorities have complementary information and experience. However, many States note that often the Central Authority of the State of origin is, in practice, only informed through the post-adoption reports.<sup>265</sup>

Chart 15: Do receiving States consult with the Central Authority of the State of origin in case of adoption breakdown / new placement?<sup>266</sup>



102. Some challenges:

- receiving States can only inform the Central Authority of the State of origin of cases of breakdown of which they are themselves aware;<sup>267</sup>
- some receiving States only contact the Central Authority of the State of origin if they need information from that Central Authority;<sup>268</sup>
- the Central Authority of the State of origin is sometimes informed only after all the decisions have already been made, thus they cannot cooperate to assist in finding a solution;<sup>269</sup>
- the decision of the receiving State to inform the Central Authority of the State of origin might depend on the moment at which the breakdown / new placement occurs;<sup>270</sup>
- support and care are left to the receiving State and the State of origin only really intervenes if the child is in their State.<sup>271</sup>

103. Examples of good practices:

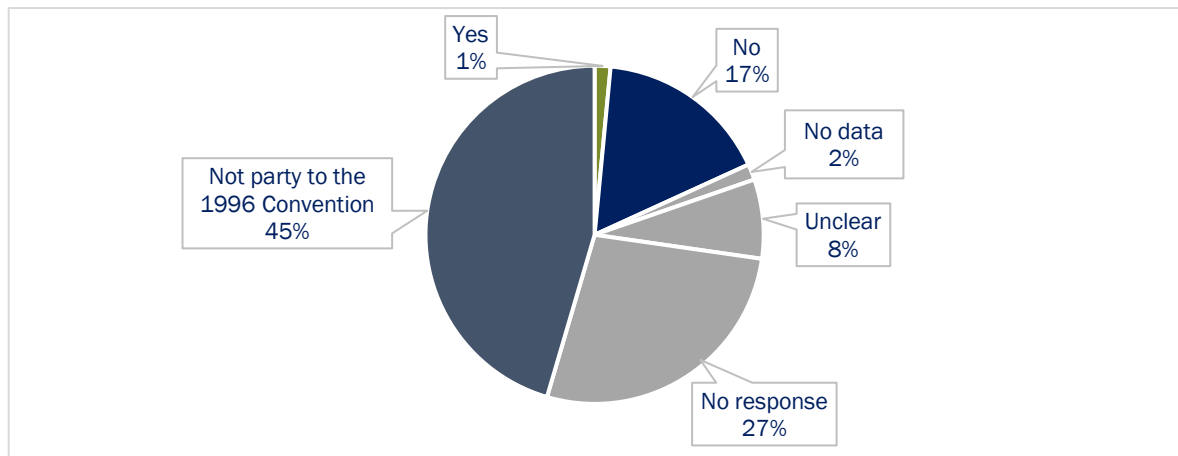
- The Central Authority of the State of origin:
  - is involved and / or consulted on the measures to be taken for the child<sup>272</sup> and / or on the causes, and thus the solutions, to prevent future breakdowns;<sup>273</sup>
  - takes a proactive approach by requesting further information,<sup>274</sup> requesting support for the adoptee,<sup>275</sup> assisting with finding a solution for the adoption and assisting families.<sup>276</sup>

### 5.3.3. Cooperation in the context of the 1996 Child Protection Convention

#### HCCH documents

“The SC encouraged States to consider ratification of, or accession to, the [1996 Child Protection Convention] in view of its relevance in enhancing cooperation to protect children in many different situations, including following the breakdown of intercountry adoptions” (2015 SC, C&R No 20).

Chart 16: Are States applying the 1996 Child Protection Convention in cases of adoption breakdown?<sup>277</sup>



104. While many States are still not Party to this instrument, it seems that even those that are Party do not apply it in cases of adoption breakdowns. The fact of having different Central Authorities for the 1993 and 1996 Conventions may be an obstacle for some States.<sup>278</sup> Thus, further work should be done to ensure that the 1996 Child Protection Convention is known and applied when relevant (*i.e.*, to better implement the C&R No 20 from the 2015 SC).

### 5.4. Possible solutions to address adoption breakdowns

105. Finding a solution to address adoption breakdowns may include the following stages:

- General procedure: the usual procedure for child protection is applied (e.g., identifying possible risks within a household, providing holistic support);<sup>279</sup>
- Support: counselling and medical / psychological support (as needed) are offered;<sup>280</sup>
- Cooperation: the competent authorities within one State<sup>281</sup> and the Central Authorities of both the receiving State and the State of origin<sup>282</sup> cooperate;
- Mediation or other alternative dispute resolution are used to address the breakdown.
- Learning from adoption breakdowns to prevent any future ones: the competent authorities meet to discuss the lesson(s) learned from the adoption breakdown and how to strengthen

the post-adoption services.<sup>283</sup>

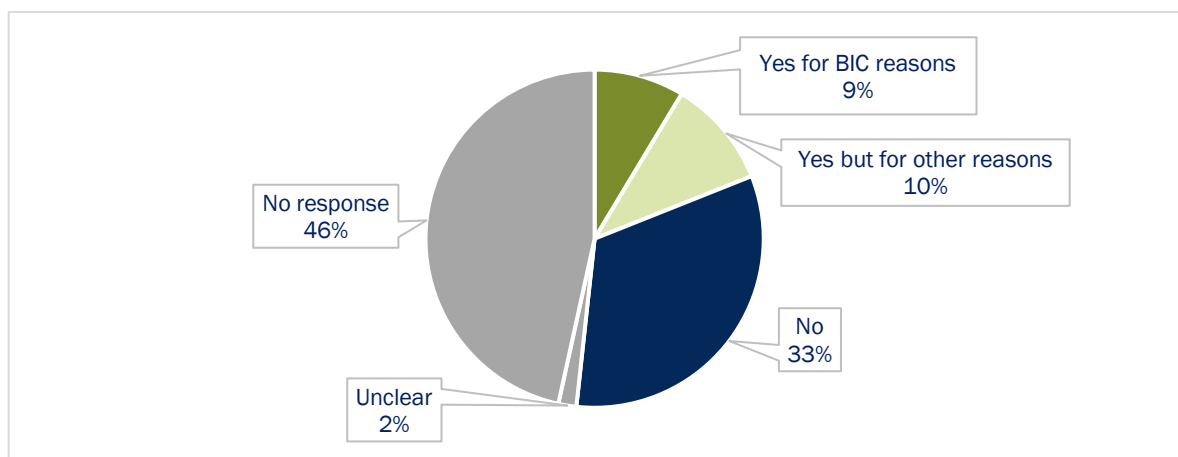
- Alternative care:
  - an alternative life plan for the child, that is in their best interests, is established;<sup>284</sup>
  - the child is removed from the care of the adoptive parents and:
    - is placed within a new family (e.g., foster care, domestic adoption in the receiving State by a new family);<sup>285</sup>
    - is placed in an institution if this is found to be in their best interests;<sup>286</sup> or
    - as a last resort, their return to their State of origin may be arranged, if their interests so require.<sup>287</sup>

106. Following what Art. 21 establishes for cases where the adoption takes place after the transfer of the child to the receiving State, the return of a child to the State of origin should be a last resort solution and should always be in the best interests of the child. It requires close cooperation between the competent authorities within a State, and between the Central Authorities of both the receiving State and the State of origin.<sup>288</sup> In some cases, the child was returned to the State of origin because domestic alternative solutions did not work, and it was found to be in the best interests of the child to be returned.<sup>289</sup> Sometimes, it is an older child who asks to be returned to the State of origin.<sup>290</sup> In some cases the breakdown took place after the adoption had been completed but before the adoptive family and the child travelled to the receiving State.<sup>291</sup>

107. In cases where the child was returned based on their best interests, the child needed to be provided with counselling<sup>292</sup> and psychological support.<sup>293</sup> Usually a new life plan for the child was established before their return. The plan could be a placement in an institution,<sup>294</sup> return to the family of origin (in particular, for intrafamily adoption)<sup>295</sup> or placement in a foster family.<sup>296</sup> In order to decide whether it is in the best interests of the child to return to their birth family, it is important that competent authorities can monitor the situations of birth families, and provide them with appropriate counselling and support where needed, to know whether the adoptee could eventually return to them, if that would be in their best interests.

108. In some concerning cases, the adoptive family decided unilaterally to return the child to the State of origin without consulting or informing the competent authorities in the receiving State. It was only once the child was back in the State of origin that the receiving State was informed.<sup>297</sup>

Chart 17: Have States experienced breakdown cases in which it was determined that it was in the best interests of the child (BIC) to return to the State of origin?<sup>298</sup>



## 5.5. Preventing adoption breakdowns from happening in the first place

### HCCH documents

“The SC recognised that appropriate evaluations, preparation, reports, matching and post-adoption support, in relation to both the child and prospective adoptive parents, will reduce the risk of the breakdown of intercountry adoptions” (2015 SC, C&R No 19).

#### 5.5.1. *Improving practices that take place during the adoption procedure*

109. In order to prevent adoption breakdown, States note that they have improved their practices at the time of the adoption procedure:<sup>299</sup>

- Assessment of the PAPs’ suitability to adopt:
  - the assessment was strengthened<sup>300</sup> and / or is carried out by trained practitioners;<sup>301</sup>
  - the Central Authorities in the receiving State and the State of origin review the PAPs’ assessment and discuss any concerns they may have about it;<sup>302</sup>
  - PAPs are required to attend information and preparation sessions *before* being declared eligible and suitable to adopt (and not only *after* having been declared eligible and suitable).<sup>303</sup>
- Assessment of the child’s needs:
  - the child’s needs are better evaluated and thus better reflected in the report on the child;<sup>304</sup>
  - the child is heard to ensure that their views and wishes are taken into account.<sup>305</sup>
- Preparation of the PAPs to adoption:
  - PAPs are well prepared, have a realistic view of intercountry adoption<sup>306</sup> and know how to deal with the needs of the child they are seeking to adopt;<sup>307</sup>
  - training and preparation of PAPs are extended and / or improved (e.g., during the period when the PAPs are waiting for a matching, before travelling to the State of origin, immediately before and after the child is handed over to the adoptive parents);<sup>308</sup>
  - PAPs are connected to the adoption community early on in the procedure;<sup>309</sup>
  - PAPs receive country specific preparation and acquire some knowledge of the culture and language of the child in order to communicate with the child from the matching stage;<sup>310</sup>
  - before the PAPs travel to the State of origin, social services and health care professionals visit their home to determine if they have any specific needs.<sup>311</sup>
- Preparation of the child to adoption:
  - children are better prepared to the adoption;<sup>312</sup>
  - children receive language courses of the language of the receiving State.<sup>313</sup>
- Matching process:
  - Central Authorities in the receiving States review the matching proposal and ensure that it is appropriate;<sup>314</sup>
  - when a matching proposal is made to PAPs, they are informed of all characteristics and needs of the child,<sup>315</sup> and they are offered counselling and support.<sup>316</sup>
- Socialisation period:
  - the socialisation period includes supervision by the competent authorities, as well as counselling and / or support.<sup>317</sup>
- Other general practices:

- professionals involved in the adoption procedure are better trained;<sup>318</sup>
- some receiving States only cooperate with States of origin that they trust;<sup>319</sup>
- development of studies, working groups,<sup>320</sup> exchange of good practices with the foster care services,<sup>321</sup> guidelines and other materials are produced to better prevent adoption breakdowns.<sup>322</sup>

### 5.5.2. *Improving practices that take place after the adoption has been finalised*

110. Some of the practices that have been implemented to prevent breakdowns through post-adoption services are as follows:

- General post-adoption services:
  - creation of post-adoption services,<sup>323</sup> including family support programmes and / or prevention programmes;<sup>324</sup>
  - in case of difficulties, the general child protection services can refer adoptive families to specialised post-adoption services (support, medical / psychosocial services, etc);<sup>325</sup>
  - professionals are involved as early as possible from the moment that a problem is suspected.<sup>326</sup>
- **Post-adoption support:** the following services may be available to adoptees and their families:
  - parental coaching / courses;<sup>327</sup>
  - attribution of a mentor for each adopted child, one who speaks their language and who understands their culture, to assist the adoptee with the transition in the receiving State and who can also assist, for example, with interpretation during appointments;<sup>328</sup>
    - post-adoption counselling and support (including from a psychologist);<sup>329</sup>
    - activities between adoptive parents and adoptive children,<sup>330</sup> peer support groups;<sup>331</sup>
    - access to a hotline or helpline.<sup>332</sup>
- General contact with adoptive families:
  - Central Authorities / AABs stay in continuous contact with adoptive families<sup>333</sup> to ensure that any difficulties can be detected as early as possible;
  - adoptive families have access to professional follow-up and support if needed.<sup>334</sup>
- Training of professionals:
  - professionals that may be in contact with adoptees (e.g., doctors, teachers) are trained and prepared.<sup>335</sup>

111. Many States noted that these services are normally provided *in addition* to the usual services that they provide to any family (*i.e.*, families which may have adopted children or not),<sup>336</sup> while in other States, families which may have adopted children only receive the usual services that are provided to any family.<sup>337</sup>

112. States of origin may tend to have a more limited role at this stage if the adoptee is in the receiving State. However, cooperation between both States is key (see paras 101-103 above).

## 5.6. Statistics on adoption breakdowns

113. Many States do not have data on the number of adoption breakdowns.<sup>338</sup> One of the reasons for this lies in the fact that Central Authorities are usually no longer the authority responsible for the child and thus may not be aware of all breakdowns. This is even more the case when the adoption is done outside the scope of the Convention.<sup>339</sup>



114. In the few States where some data is available,<sup>340</sup> the number of breakdowns that Central Authorities are aware of is relatively low. In many States, most adoption breakdowns would include a new placement of the child.<sup>341</sup> Regarding the proportion of adoption breakdowns that included adoptions done under or outside the scope of the 1993 Adoption Convention, when data is available, responses of States vary greatly, and show that breakdowns occur both within and outside the scope of the Convention.<sup>342</sup>
115. Research and collection of data are key to better assess adoption, to identify the practices that do not work and regularly lead to adoption breakdowns, as well as to identify good practices.

## 5.7. In preparation for the 2022 SC Meeting



116. Having regard to the foregoing, participants are invited to consider the following ideas and matters, which may be raised at the Meeting of the SC. In addition, participants may also contact the PB in advance of the Meeting if they have comments or other ideas for discussion:

- a) How can Central Authorities be further involved in cases of adoption breakdown, considering their experience in and knowledge of the adoption procedure?
- b) What measures can States take to try to prevent adoptions from breaking down? How can these measures be put in place?
- c) Reiterate 2015 SC, C&R No 19 on the importance of the different stages of the adoption procedure to prevent adoption breakdown.
- d) Recall the importance of data to evaluate where the needs are and how to further prevent adoption breakdowns.
- e) Recommend evaluating States' post-adoption services to determine if improvements can be made with regard to preventing adoption breakdown.<sup>343</sup>

### Further reading

- C. Jeannin, *Towards a greater capacity: Learning from intercountry adoption breakdowns*, Geneva, Switzerland, ISS, 2018.

## 6. POSSIBLE FURTHER WORK ON POST-ADOPTION



117. The SC may also wish to discuss the possible development of a Guide to Good Practice on post-adoption matters which could build upon Chapter 9 of the Guide to Good Practice No 1. Such new Guide could provide information and summarise some of the good practices developed in relation to post-adoption matters, as well as address other questions included in this Discussion Paper. This could include providing guidance to States which have not yet developed (or have limited) post-adoption services and programmes to facilitate access to information regarding origins. Such new Guide could help interpret the relevant articles of the 1993 Adoption Convention, focusing on legal questions, but also include some references and key information from other fields where relevant and possible.
118. Most States that responded (92%) to the “2019 Questionnaire on possible topics and format for the Fifth Meeting of the SC on the practical operation of the 1993 Adoption Convention” showed a great interest in discussing the possibility of developing a Guide on post-adoption matters.<sup>344</sup> In addition, the majority of States responded positively to the question in the 2020 Questionnaire No 1 about the possibility to develop such a Guide (46 States provided clear support and 5 States stated that they were flexible or had no objection).<sup>345</sup>
119. If the SC were to recommend that such a Guide be developed, then the Council on General Affairs and Policy (CGAP) of the HCCH will need to give the mandate to the HCCH to carry out the work. A Working Group could be established to draft the Guide with the PB. It would be important that experts with different knowledge, expertise and background participate in such a Group.
120. Having regard to the foregoing, participants are invited to consider the following at the Meeting of the SC. In addition, participants may also contact the PB in advance of the Meeting if they have comments or other ideas for discussion:
- a) Should the SC recommend that the HCCH develop a Guide to Good Practice on post-adoption matters?
  - b) If so, is there any specific guidance that the SC would like to recommend?

## Endnotes

### BACKGROUND

- 1 Good practices may include “best practices”, as well as practices considered as “a minimum” (*i.e.*, practices which without being good practices, would be considered as the minimum to be done in situations where States would not be able to implement the best practices).
- 2 The information included throughout this document does not represent an exhaustive list of the views expressed by each State. Endnotes include examples of States that have or do not have a specific practice.
- 3 Prel. Doc. No 3 of February 2020, “Questionnaire on the Practical Operation of the 1993 Adoption Convention” (2020 Questionnaire No 1). The 66 Contracting Parties which responded to the Questionnaire are: Andorra, Armenia, Australia, Austria, Belarus, Belgium (Flemish region), Brazil, Bulgaria, Burkina Faso, Cambodia, Canada, Chile, China, China (Hong Kong SAR), China (Macao SAR), Colombia, Congo, Costa Rica, Croatia, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Finland, France, Germany, Greece, Guinea, Haiti, Honduras, India, Ireland, Italy, Latvia, Lithuania, Luxembourg, Madagascar, Malta, Mauritius, Mexico, Monaco, Montenegro, Namibia, New Zealand, Norway, Panama, Peru, Philippines, Poland, Portugal, Republic of Moldova, Romania, Senegal, Serbia, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Togo, Turkey, United States of America (USA), Uruguay, Venezuela and Viet Nam.
- 4 The 2020 Questionnaire No 1 included some questions which could be answered by a ‘yes’ or ‘no’ response, and then provided a space for further comments. On some occasions, the response to yes or no was not consistent with the comment provided afterwards. In such cases, the Permanent Bureau (PB) of the HCCH had to interpret that information to the best of its knowledge. In the case of federal States, the response was separated as much as possible but if that was not possible, the response that represented most federated States was taken into account.
- 5 While counselling and support may be similar, they do not always refer to the same thing. For the purpose of this Paper, they have been understood as meaning the following:
  - **Counselling:** assistance which may be more limited to simply providing advice;
  - **Support:** assistance which may be broader and more holistic than only providing advice.

### POST-ADOPTION SERVICES:

- 6 GGP No 1, para. 564.
- 7 GGP No 1, paras 564, 565. See also Chapter 9.2.
- 8 See Intercountry Adoption Voices (ICAV): <https://intercountryadopteevoices.com/post-adoption-support/>. See also, 2020 Questionnaire No 1, Question 28: Greece, Portugal, USA.
- 9 Chart 1: Post-adoption services? The responses from 25 receiving States were taken into account. 2020 Questionnaire No 1, Questions 13 and 14.  
Chart 1.a: Do receiving States provide specialised post-adoption services?
  - **Yes:** Andorra, Australia, Belgium, Canada, Denmark, Finland, France, Greece, Ireland, Italy, Luxembourg, Malta, Mauritius, Norway, Portugal, Spain, Sweden, USA.
  - **No:** Austria, Croatia, Slovenia, Switzerland.
  - **Unclear:** Germany, Monaco, New Zealand.Chart 1.b: Yes - Who is responsible for providing post-adoption services in the receiving State?
  - **Specialised post-adoption services:** Australia, Belgium, Canada, France, Ireland, Italy, Luxembourg, Portugal.
  - **AAB:** Belgium, Canada, Finland, France, Luxembourg, Malta, Norway.
  - **Public service:** Andorra, Canada, Greece, Italy, Malta, Spain, Sweden.
  - **CA:** Australia, Denmark, France, Mauritius.
  - **Private professional:** Australia, Luxembourg, Malta, Spain.
  - **NGO:** Australia, Canada, Finland.
  - **Adoptee / Family association:** Canada, Italy.
  - **Unclear:** USA.Chart 1.c: Yes - to whom are the services provided?
  - **Adoptees:** Andorra, Australia, Belgium, Canada, Denmark, Finland, France, Greece, Ireland, Italy, Luxembourg, Malta, Mauritius, Norway, Portugal, Spain.
  - **Adoptive family:** Andorra, Australia, Canada, Denmark, Finland, Greece, Italy, Luxembourg, Malta, Norway, Portugal, Spain.
  - **Adoptive parents:** Belgium, Denmark, France, Ireland, Mauritius.
  - **Birth family:** Andorra, Australia, Ireland.
  - **Birth parents:** Belgium, Finland.
  - **Unclear:** Sweden, USA.

**Chart 1.d: Yes - For what duration of time are the post adoption services provided?**

- **3 years post adoption:** Greece.
- **Until adoptee reaches age of majority:** Denmark, France, Ireland, Luxembourg, Portugal, Sweden.
- **Determined on a case-by-case basis:** Australia, Canada, Italy.
- **Indefinitely:** Andorra, Australia, Belgium, Canada, Luxembourg, Malta, Spain.
- **Unclear:** Norway, USA.
- **No response:** Finland, Mauritius.

**Chart 1.e: Yes – How are the post-adoption services funded?**

- **Government funding:** Andorra, Australia, Belgium, Canada, Denmark, Finland, France, Greece, Ireland, Italy, Luxembourg, Malta, Mauritius, Norway, Portugal, Spain, Sweden.
- **Paid for by adoptive families:** Canada, Denmark, Finland, France, Italy, Luxembourg, Malta, Portugal.
- **Private funding:** Canada, France.
- **Unclear:** USA.

- 10 2020 Questionnaire No 1, Question 14(a): Canada, New Zealand.
- 11 2020 Questionnaire No 1, Question 14(a): Armenia, Australia, Denmark, Finland, Germany, Greece, Ireland, Norway.
- 12 2020 Questionnaire No 1, Question 14(a): Andorra, Australia, Finland, Malta, Philippines.
- 13 2020 Questionnaire No 1, Question 14(a): Canada, Finland, France, Ireland, Portugal, Spain.
- 14 2020 Questionnaire No 1, Question 14(a): Australia, Canada.
- 15 2020 Questionnaire No 1, Question 14(a): Australia, Denmark, Ireland.
- 16 2020 Questionnaire No 1, Question 14(a): Canada, Spain.
- 17 2020 Questionnaire No 1, Question 14(a): Canada, Finland, Germany
- 18 2020 Questionnaire No 1, Question 14(a): Canada, Finland, Ireland.
- 19 2020 Questionnaire No 1, Question 14(a): Finland, France, Germany.
- 20 2020 Questionnaire No 1, Question 14(a): Denmark, Ireland, Spain; Question 18: Finland.
- 21 2020 Questionnaire No 1, Question 13: Philippines.
- 22 2020 Questionnaire No 1, Question 13: Poland, Romania.
- 23 Country Profile SO (CP-SO), Questions 31(d) and (e); Country Profile RS (CP-RS), Questions 26(d) and (e): Colombia, Lesotho, Panama.
- 24 2020 Questionnaire No 1, Question 14(a): Canada; Question 14(b): France; Question 14(d): New Zealand.
- 25 2020 Questionnaire No 1, Question 18: Belgium (Flanders).
- 26 2020 Questionnaire No 1, Question 14(a): Finland, France, Germany.
- 27 See *supra* endnote 9.
- 28 2020 Questionnaire No 1, Question 14(d): Australia, New Zealand.
- 29 See Intercountry Adoption Voices (ICAV), Adoptee Led Groups, [All Inclusive Groups](#) and [Country of Origin](#) Groups. While groups for adoptive families also exist, groups for birth families are more rare.
- 30 2020 Questionnaire No 1, Question 14(c): Australia (TAS, NT), France, Luxembourg.
- 31 2020 Questionnaire No 1, Question 14(c): Australia (NSW, ACT), Ireland, Malta, Norway.
- 32 2020 Questionnaire No 1, Question 14(c): Canada, New Zealand.
- 33 2020 Questionnaire No 1, Question 14(c): Andorra, China.
- 34 2020 Questionnaire No 1, Question 14(c): Spain, Uruguay.
- 35 2020 Questionnaire No 1, Question 18: Finland, Spain.
- 36 2020 Questionnaire No 1, Question 18: Canada.
- 37 2020 Questionnaire No 1, Question 18: Andorra.
- 38 2020 Questionnaire No 1, Question 14(b): Canada; Question 16: Belgium.
- 39 2020 Questionnaire No 1, Question 14(a): Ireland, Romania; Question 15: Canada.
- 40 2020 Questionnaire No 1, Question 13: Canada; Question 18: Australia.
- 41 2020 Questionnaire No 1, Question 15: Haiti; Question 18: Portugal.
- 42 See *supra* endnote 9.
- 43 See *supra* endnote 9.
- 44 See *supra* endnote 9.
- 45 2020 Questionnaire No 1, Question 18: Australia, Canada, Spain, USA.
- 46 2020 Questionnaire No 1, Question 18: Australia, Norway, Portugal.

- 47 2020 Questionnaire No 1, Question 18: Canada.
- 48 2020 Questionnaire No 1, Question 18: Switzerland.
- 49 For example, if birth parents request access to information about their adopted child and the latter refuses, the birth family should receive appropriate support.
- 50 2020 Questionnaire No 1, Question 18: Canada.
- 51 See the Afstammingscentrum in Belgium: <https://afstammingscentrum.be/ons-aanbod/#psychosociaal>.
- 52 2020 Questionnaire No 1, Question 16: Andorra, Australia, Finland, Spain.
- 53 2020 Questionnaire No 1, Question 16: Australia, Canada, Denmark, Finland.
- 54 2020 Questionnaire No 1, Question 16: Australia.
- 55 2020 Questionnaire No 1, Question 16: Finland.
- 56 2020 Questionnaire No 1, Question 16: Australia.
- 57 2020 Questionnaire No 1, Question 16: Belarus.
- 58 2020 Questionnaire No 1, Question 16: Belgium.
- 59 2020 Questionnaire No 1, Question 16: Belgium, USA.
- 60 See *supra* endnotes 8 and 29.
- 61 2020 Questionnaire No 1, Question 18: USA.
- 62 2020 Questionnaire No 1, Question 18: Andorra.
- 63 2020 Questionnaire No 1, Question 15: France.
- 64 2020 Questionnaire No 1, Question 17:
- **Belarus:** anonymous survey.
  - **Canada:** two ongoing studies on post-adoption services.
  - **Denmark:** evaluated all post-adoption services in 2016 and evaluated trial project of post-adoption services in 2018 which became permanent services.
  - **Germany:** comprehensive study on adoption practices between 2015-2018.
  - **Ireland:** ongoing study evaluating post-adoption services.
  - **Norway:** indirect research – research being carried out by public health authorities looking at child’s adaptation which would inform the need for post-adoption services.
  - **Poland:** research on adoption centres.
  - **Spain:** post-adoption diagnoses carried out by some Central Authorities, programme monitoring commissions.
  - **USA:** 5-year study to develop and test practices to achieve stable permanence in adoptive homes.
- 65 *Ibid.*

## SEARCH FOR ORIGINS

- 66 2020 Questionnaire No 1, Question 12: Australia (ACT), Belarus, Belgium, Chile, Costa Rica, Germany, Portugal, Spain, USA, Uruguay.
- 67 2020 Questionnaire No 1, Question 12: Canada (guidelines on preservation of information), Colombia (guidelines to store and preserve information, including digital information).
- 68 2020 Questionnaire No 1, Question 12: Honduras, Peru. See also Prel. Doc. No 7, Discussion Paper “The impact of Covid-19 on intercountry adoptions” paras 41 and 45(g).
- 69 2020 Questionnaire No 1, Question 1: Denmark, USA.
- 70 2020 Questionnaire No 1, Question 3: Monaco.
- 71 Chart 2: “Authorities responsible for preserving information” The responses from 74 States were taken into account. CP-SO, Question 31(a); CP-RS, Question 26(a):
- **Central Authority:** Albania, Australia, Austria, Belgium, Benin, Burkina Faso, Cabo Verde, Cambodia, Canada (NL, NT, NS, NU, PE, SK, YT, MB, BC, NB, ON, QC), China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Czech Republic, El Salvador, Estonia, France, Germany, Ghana, Greece, Guatemala, Guinea, Haiti, Honduras, Ireland, Italy, Latvia, Lesotho, Lithuania, Luxembourg, Madagascar, Mauritius, Mexico, Monaco, Namibia, New Zealand, Niger, Norway, Panama, Paraguay, Peru, Philippines, Portugal, Republic of Moldova, Romania, Rwanda, Spain, Sri Lanka, Sweden, Switzerland, Thailand, Togo, Turkey, USA, Viet Nam;
  - **AABs:** Belgium, Canada (MB), Colombia, Denmark, Finland, France, Germany, India, Malta, Netherlands, New Zealand, Republic of Korea, Spain, Sweden, Switzerland, Thailand, United Kingdom, USA;
  - **Child protection authorities:** Austria, Bulgaria, Burundi, Croatia, Ghana, Greece, Hungary, India, Philippines, Serbia, Slovakia, Slovenia, Sweden, Switzerland;
  - **Courts:** Brazil, Cambodia, Dominican Republic, Ecuador, El Salvador, Latvia, Peru, Romania, Sweden;
  - **Registrar:** Canada (AB, ON), Chile, Czech Republic, Latvia, Slovakia, Switzerland, USA;

- **Administrative authorities:** Ecuador, Estonia, Republic of Korea, Romania;
- **No authority responsible:** Mexico;
- **Child institutions:** Thailand;
- .

72 Chart 3: “Centralisation of information” The responses from 66 States were taken into account. 2020 Questionnaire No 1, Question 1:

**Yes, the information is centralised:**

- **Central Authority:** Andorra, Belarus, Belgium, Burkina Faso, Cambodia, Colombia, Congo, Dominican Republic, Guinea, Haiti, Ireland, Lithuania, Madagascar, Monaco, Namibia, New Zealand, Norway, Peru, Philippines, Senegal, Slovakia, Slovenia, South Africa, Sri Lanka, Togo, Uruguay, Viet Nam;
- **Dedicated public authority:** China, India, Serbia;
- **Registrar:** Chile, Latvia, Malta;
- **Other public authority:** Germany;
- **No further information:** Portugal, Turkey.

**Yes, the information is centralised at the regional level:**

- **Central Authority:** Australia, Austria, Canada (BC, NB, NL, NT, NS, NU, PE, QC, SK, YT), Spain, Switzerland;
- **Dedicated authority:** Australia, Canada (AB);
- **Other public authority:** Australia, Ecuador.

**No, the information is not centralised:** Armenia (stored in CA, other public authority, child institutions); Brazil (Courts); Bulgaria (no further information); Canada (MB: CA, AABs; ON: CA, Registrar); Costa Rica (CA, Registrar); Croatia (child protection authorities); Czech Republic (CA, Courts, child protection authorities, Registrar); Denmark (CA, AABs, Registrar); El Salvador (CA, Courts, other public authority); Finland (other public authority); France (CA, Courts, AABs); Greece (child protection authorities); Italy (CA); Luxembourg (CA, AABs); Mauritius (CA); Mexico (CA); Montenegro (other public authority); Panama (CA, Registrar); Poland (Courts, Registrar); Republic of Moldova (dedicated public authority); Romania (unclear); Sweden (other public authority, AABs); USA (other public authority, AABs); Venezuela (Courts).

**Unclear:** Honduras.

73 Sometimes a difference is made between AABs and adoption agencies to distinguish between adoption bodies accredited under the Convention and adoption agencies which exist(ed) outside the Convention.

74 2020 Questionnaire No 1, Question 9: Denmark.

75 2020 Questionnaire No 1, Question 1: New Zealand; Question 4: Romania.

76 2020 Questionnaire No 1, Question 3: Australia, Belgium, France.

77 Chart 4: “For what duration of time is the information preserved?” The responses from 73 States were taken into account. CP-SO, Question 31(b); CP-RS, Question 26(b):

- **Perpetuity:** Albania, Australia, Brazil, Canada (MB; NB; NU; ON (Central Authority); PE; SK; YT), Chile, China, Costa Rica, Côte d’Ivoire, Croatia, Czech Republic, Denmark, Ecuador, Ghana, Greece, Guatemala, Guinea, Haiti, Honduras, Hungary, India, Ireland, Italy, Latvia, Lesotho, Lithuania, Luxembourg, Malta, Namibia, New Zealand, Norway, Peru, Philippines, Republic of Korea, Rwanda, Serbia, Slovakia, Slovenia, Viet Nam.
- **119/120 years:** Canada (NT, NS).
- **99/100 years:** Belgium (French region); Benin, Canada (BC; ON (Civil Registrar); QC), Finland, Germany, Romania, Switzerland, Turkey, United Kingdom.
- **75 years:** Estonia, Republic of Moldova, USA.
- **70 years:** Mexico (SO).
- **60 years:** Cambodia.
- **50 years:** Austria, Portugal, Spain.
- **30 years:** Cabo Verde, Dominican Republic, Netherlands.
- **20 years:** Colombia.
- **10 years:** Sri Lanka.
- **Until adoptee’s death:** Belgium.
- **Undetermined:** Bulgaria, Burkina Faso, Burundi, Congo, El Salvador, France, Madagascar, Monaco, Niger, Panama, Paraguay, Sweden, Thailand, Togo.
- **Not stored:** Mexico (RS).
- **Unknown:** Canada (AB, NL).

Please note that “Undetermined” may mean not provided by legislation. Some States responded that there are no time limits, which could also be understood as “Perpetuity”.

78 2020 Questionnaire No 1, Question 12: Belgium, India, Peru, Portugal, Spain, USA.

- 79 2020 Questionnaire No 1, Question 12: Australia, Chile, Colombia, Czech Republic, France, Malta, New Zealand, Peru, Philippines, Portugal, South Africa.
- 80 2020 Questionnaire No 1, Question 12: Andorra, Australia, Sweden.
- 81 2020 Questionnaire No 1, Question 3: Belgium.
- 82 Netherlands. See e.g.: [www.government.nl/latest/news/2021/02/08/minister-dekker-suspends-intercountry-adoption-with-immediate-effect](http://www.government.nl/latest/news/2021/02/08/minister-dekker-suspends-intercountry-adoption-with-immediate-effect).
- 83 2020 Questionnaire No 1, Question 12: Chile.
- 84 Open adoption is generally considered to be any adoption where birth and adoptive families have some form of initial or ongoing contact or exchange of information. 2020 Questionnaire No 1, Question 12: Australia.
- 85 2020 Questionnaire No 1, Question 12: Australia.
- 86 **Chart 5: Who can access the information?** For adoptees and adoptive parents, the responses from 74 States were taken into account. CP-SO, Question 31(c); CP-RS, Question 26(c):

**Adoptee:**

- **Yes:** Albania, Australia, Austria, Belgium, Benin, Brazil, Bulgaria, Burkina Faso, Burundi, Cabo Verde, Cambodia, Canada, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Germany, Ghana, Greece, Guatemala, Guinea, Haiti, Honduras, Hungary, India, Ireland, Italy, Latvia, Lesotho, Lithuania, Luxembourg, Madagascar, Malta, Mauritius, Mexico, Monaco, Namibia, Netherlands, New Zealand, Norway, Panama, Paraguay, Peru, Philippines, Portugal, Republic of Korea, Republic of Moldova, Romania, Rwanda, Serbia, Slovakia, Slovenia, Spain, Sri Lanka, Sweden, Switzerland, Thailand, Togo, Turkey, United Kingdom, USA, Viet Nam.
- **No response:** Niger

**Adoptive parents:**

- **Yes:** Albania, Australia, Austria, Belgium, Benin, Bulgaria, Burkina Faso, Burundi, Cabo Verde, Cambodia, Canada, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Finland, Germany, Ghana, Guatemala, Guinea, Honduras, India, Ireland, Latvia, Lesotho, Lithuania, Luxembourg, Malta, Mauritius, Mexico, Monaco, Namibia, Netherlands, New Zealand, Niger, Panama, Paraguay, Philippines, Portugal, Republic of Moldova, Romania, Rwanda, Slovakia, Slovenia, Sri Lanka, Sweden, Thailand, Togo, Turkey, United Kingdom, USA.
- **No:** Brazil, France, Greece, Hungary, Italy, Madagascar, Norway, Peru, Republic of Korea, Serbia, Switzerland.
- **Unclear:** Estonia, Haiti.
- **No response:** Spain, Viet Nam.

For birth parents, the responses from 83 States were taken into account. 2020 Questionnaire No 1, Question 11 and CP-SO, Question 31(c); CP-RS, Question 26(c) (responses taken from the CP appear in *italics*):

- **Yes:** Andorra, Australia, Belgium, *Burkina Faso (for simple adoption)*, *Burundi*, Canada, Croatia, Denmark, Finland, France (for simple adoption), Germany, *Guinea*, Lithuania, *Mauritius*, New Zealand, Philippines, *Republic of Moldova*, Romania, *Rwanda*, Senegal (for simple adoption), Slovenia, South Africa, Sweden, Switzerland, *Thailand*, Togo, USA, Uruguay.
  - **No:** *Albania*, Armenia, Belarus, *Benin*, Brazil, Bulgaria, *Burkina Faso (for full adoption)*, *Cabo Verde*, *Cambodia*, *China*, *Costa Rica*, *Côte d'Ivoire*, *Czech Republic*, *Dominican Republic*, Ecuador, El Salvador, *Estonia*, *Ghana*, Greece, *Guatemala*, Haiti, Honduras, *Hungary*, *India*, Ireland, Italy, Latvia, *Lesotho*, Madagascar, Malta, Mexico, Monaco, Namibia, *Netherlands*, Panama, *Paraguay*, Poland, *Republic of Korea*, Senegal (for full adoption), Serbia, Slovakia, Sri Lanka, *United Kingdom*, Venezuela.
  - **No but request recorded:** Chile, Colombia, France (for full adoption), Luxembourg, Norway, Peru, Portugal, Spain, Turkey, Viet Nam.
  - **Case-by-case:** Austria.
  - **Unclear:** Montenegro.
  - **No response:** Congo, *Niger*.
- 87 CP-SO, Question 31(c) and CP-RS, Question 26(c): Albania, Austria, Brazil, Bulgaria, Burkina Faso, Cambodia, Chile, China, Colombia, Congo, Croatia, Dominican Republic, Ecuador, France, Germany, Greece, Honduras, Hungary, Italy, Latvia, Malta, Mexico, Namibia, Netherlands, New Zealand, Norway, Panama, Philippines, Republic of Moldova, Serbia, Slovakia, Slovenia, Switzerland, United Kingdom.
- 88 CP-SO, Question 31(c) and CP-RS, Question 26(c): Australia, Canada (MB), Lithuania, Portugal, Republic of Korea, Romania, Spain.
- 89 CP-SO, Question 31(c) and CP-RS, Question 26(c): Canada (MB), Croatia, Germany, Lithuania, New Zealand, Romania, Slovenia, Switzerland.
- 2020 Questionnaire No 1, Question 11: Andorra, Belgium, Croatia, Denmark, Finland, Germany, Lithuania, New Zealand, Romania, Slovenia, South Africa, Switzerland, USA.

90 CP-SO, Question 31(c) and CP-RS, Question 26(c): Canada (NU), Estonia, Slovenia. Switzerland, Thailand. 2020 Questionnaire No 1, Question 3: Denmark, United States of America.

91 See Jeannin, C. & Roulez, J., “Access to origins: Panorama on legal and practical considerations”, Geneva, Switzerland. International Social Service, 2019, pp. 17-20.

92 2020 Questionnaire No 1, Question 11: Romania, USA.

93 2020 Questionnaire No 1, Question 11: France, Senegal.

94 Chart 6: Do States offer assistance during a search for origins? The responses from 73 States were taken into account. CP-SO, Question 31(d) and (e); CP-RS, Question 26(d) and (e):

**Yes:**

- **Support:** Australia, Austria, Belgium, Benin, Brazil, Burkina Faso, Cambodia, Canada, Chile, Colombia, Costa Rica, Côte d'Ivoire, Czech Republic, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Germany, Greece, Haiti, Honduras, India, Ireland, Italy, Luxembourg, Namibia, Netherlands, New Zealand, Panama, Peru, Philippines, Portugal, Republic of Korea, Romania, Serbia, Slovenia, Spain, Sweden, Togo, Turkey, USA.
- **Counselling:** Benin, Burundi, Canada, Chile, Côte d'Ivoire, Czech Republic, Denmark, Finland, Germany, Greece, Lesotho, Namibia, New Zealand, Niger, Norway, Panama, Philippines, Romania, Serbia, Spain, Sweden, Switzerland, Thailand, United Kingdom, Viet Nam.
- **Assist with reunion, mediation:** Brazil, Burkina Faso, Burundi, Canada, Chile, Costa Rica, Côte d'Ivoire, Croatia, Denmark, Ecuador, El Salvador, Estonia, France, Germany, Guatemala, Guinea, Italy, Lesotho, Netherlands, New Zealand, Republic of Korea, Romania, Spain, Turkey.
- **Carry out or assist with the search for information:** Belgium, Canada, Côte d'Ivoire, Haiti, India, Ireland, Malta, New Zealand, Portugal, Sri Lanka, Sweden.
- **Refer to other services:** Australia, Canada, Colombia, Madagascar, Sri Lanka, United Kingdom.

**No:** Albania, Bulgaria, Cabo Verde, China, Congo, Latvia, Malta, Mexico, Monaco, Paraguay, Republic of Moldova, Rwanda.

**Unclear:** Ghana, Hungary, Lithuania, Slovakia.

95 CP-SO, Question 31(d) and (e); CP-RS, Question 26(d) and (e): Chile, Denmark, Finland, Luxembourg, Netherlands, Republic of Korea.

96 Chart 7: Do States have a specialised programme for search for origins? The responses from 66 States were taken into account. 2020 Questionnaire No 1, Question 3:

**Yes:**

- **Process requests and provide access:** Andorra, Australia, Belgium, Canada, Chile, Colombia, Czech Republic, India, Lithuania, Malta, New Zealand, Panama, Peru, Philippines, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Togo, Uruguay, Venezuela, Viet Nam.
- **Carry out or assist with the search for information:** Australia, Belgium, Chile, Colombia, India, Lithuania, Panama, Switzerland, Togo, Uruguay.
- **Support:** Andorra, Australia, Colombia, Peru, Spain, Sweden, Togo, Uruguay, Viet Nam.
- **Assist with reunion, mediation:** Andorra, Colombia, Lithuania, Panama, Peru, Philippines, Switzerland.
- **Counselling:** Australia, Peru, South Africa, Spain, Switzerland, Venezuela.
- **Request information to other authorities** (this includes both authorities in the receiving State and the State of origin): Malta, New Zealand.
- **Motherland visits:** Philippines.
- **Provide general information:** Australia.
- **Contact point:** Belgium, Philippines.
- **No further information:** Australia, Canada, Czech Republic.
- **Unclear:** Canada.

**“No” and “No but CA still handles the entire request”:**

- **Do nothing / handled by other services:** Bulgaria, Croatia, Denmark, Ecuador, El Salvador, Finland, Greece, Italy, Latvia, Luxembourg, Madagascar, Monaco, Montenegro, Poland, Republic of Moldova, USA.
- **CA still handles the entire request:** Burkina Faso, China, Costa Rica, Dominican Republic, Honduras, Mauritius, Mexico, Namibia, Norway, Portugal, Romania, Slovakia. This includes processing the request and providing access. In some of these States, this also include support (Costa Rica, Portugal), doing or assisting with the search for information (Costa Rica, Namibia), counselling (Namibia), motherland visits (China) and / or assisting with reunion (Namibia).
- **CA handles parts of the request:** Denmark, Germany, Haiti, Republic of Moldova, Slovenia.
- **Contact point / Refer to other services:** Australia, France, Serbia, Slovenia.
- **No further information:** Austria, Congo, Ireland, Turkey.
- **Unclear:** Belarus, Senegal.



**Unclear:** Armenia, Brazil, Cambodia, Guinea.

97 2020 Questionnaire No 1, Question 8: Brazil, Luxembourg, New Zealand.

98 2020 Questionnaire No 1, Question 3: Monaco.

99 Authorities may provide some assistance, but it is difficult to assess if that assistance is in fact a programme specialised on the search for origins (the search and all the support that goes with it) or just some *ad hoc* assistance without having a specialised experience and knowledge on this matter.

100 However, some of those States acknowledge the need for it. 2020 Questionnaire No 1, Question 3, Ireland, Luxembourg (legislation is ongoing).

101 For example, if birth parents request access to information about their adopted child and the latter refuses, the birth family should receive appropriate support.

102 2020 Questionnaire No 1, Question 3: Australia.

103 2020 Questionnaire No 1, Question 3: Belgium.

104 References are made specifically to the birth parents; however, it may also include more broadly the birth family (e.g., siblings or other family members).

105 See *infra* endnotes 114 and 120.

106 2020 Questionnaire No 1, Question 9: Canada, Germany, Sweden, Switzerland (all responses are in reference to the practice in other States); Question 10: Ireland.

107 2020 Questionnaire No 1, Question 9: Finland; Question 10: Australia Mexico, Namibia.

108 2020 Questionnaire No 1, Question 9: Philippines, Viet Nam; Question 10: Cambodia, Chile, Czech Republic, France, Peru, Portugal, Romania, Slovenia.

109 Identifying information refers to information revealing the identity of the person, such as the names of the birth parents, their addresses or their phone numbers. Non-identifying information gives some indications to the adoptee on the social, medical, historical or educational background of their birth parents, but will not allow them to be identified.

110 2020 Questionnaire No 1, Question 8: Malta, Philippines.

111 Chart 8: Do States operate a distinction between the disclosure of identifying versus non-identifying information? The responses from 66 States were taken into account. 2020 Questionnaire No 1, Question 10:

- **Yes:** Armenia, Australia, Belarus, Brazil, Cambodia, Canada, Chile, Colombia, Czech Republic, Denmark, Finland, France, Germany, Greece, Ireland, Latvia, Malta, Mexico, Montenegro, Namibia, Peru, Philippines, Portugal, Romania, Slovenia, Sri Lanka, Sweden, Switzerland, Togo, Turkey, USA.
- **No:** Austria, Belgium, Bulgaria, Dominican Republic, El Salvador, Luxembourg, Monaco, New Zealand, Norway, Poland, Slovakia.
- **Unclear:** Andorra, Burkina Faso, Congo, Costa Rica, Croatia, Ecuador, Guinea, Haiti, Honduras, India, Italy, Lithuania, Panama, Republic of Moldova, Senegal, Spain, Uruguay, Venezuela, Viet Nam.
- **No response:** China, Madagascar, Mauritius, Serbia, South Africa.

Please note that for States which do not have a distinction between identifying and non-identifying information, it is not clear if it means that they always disclose all information (*i.e.*, both non-identifying and identifying) or no information (*i.e.*, neither identifying nor non-identifying).

112 See endnote 106.

113 See e.g., EU regulation (GDPR), on data protection, which seems to have been used in some cases to limit or refuse disclosure of identifying information if such information involves third-party data.

114 2020 Questionnaire No 1, Question 9: Belgium. These methods prevent the record of any information of the birth parents (or only subject to their approval) which further prevent the adoptee to access any information about their birth parents later in life.

115 2020 Questionnaire No 1, Question 9: Finland.

116 2020 Questionnaire No 1, Question 8: Canada.

117 2020 Questionnaire No 1, Question 9: Sri Lanka.

118 2020 Questionnaire No 1, Question 9: Canada.

119 2020 Questionnaire No 1, Question 10: Portugal.

120 Toolkit, Fact Sheet No 4 “Identity”, endnote 10. Confidential hospital births guarantee confidentiality of the birth parents for a certain period, after which time, the adoptee is entitled to identifying information about them.

121 2020 Questionnaire No 1, Question 9: Finland.

122 2020 Questionnaire No 1, Question 6: Andorra, Australia, Belgium, Burkina Faso, Canada, Chile, Colombia, Costa Rica, France, Luxembourg, Montenegro, New Zealand, Peru, South Africa, Spain, Sweden, Uruguay, Venezuela.

123 2020 Questionnaire No 1, Question 6: Australia, Belgium, Cambodia, Canada, Chile, Colombia, Denmark, Ecuador, Germany, India, Italy, Lithuania, Luxembourg, Madagascar, Malta, Mauritius, Monaco, Panama, Portugal, Romania, Slovenia, South Africa, Spain, Sri Lanka, Uruguay.

- 124 This may be particularly relevant since information always needs to be placed into context, as it can assist the adoptee in better understanding all the information surrounding their adoption. 2020 Questionnaire No 1, Question 6: Australia, Canada, Finland.
- 125 2020 Questionnaire No 1, Question 6: Finland, Malta, Norway.
- 126 2020 Questionnaire No 1, Question 6: Switzerland.
- 127 2020 Questionnaire No 1, Question 6: Armenia, Croatia, Slovakia.
- 128 2020 Questionnaire No 1, Question 6: Germany.
- 129 2020 Questionnaire No 1, Question 6: Germany.
- 130 2020 Questionnaire No 1, Question 6: Slovenia.
- 131 2020 Questionnaire No 1, Question 6: Belgium.
- 132 2020 Questionnaire No 1, Question 6: Peru.
- 133 2020 Questionnaire No 1, Question 6: Philippines.
- 134 2020 Questionnaire No 1, Question 6: Australia, Germany, Greece, Togo, USA.
- 135 2020 Questionnaire No 1, Question 7: Denmark.
- 136 2020 Questionnaire No 1, Question 7: Belgium, Canada, Norway.
- 137 2020 Questionnaire No 1, Question 7: Australia, Austria, Colombia, Costa Rica, Croatia, Czech Republic, Ecuador, El Salvador, Italy, Mauritius, Mexico, Panama, Peru, Philippines, Poland, Slovenia, Sri Lanka, Turkey.
- 138 2020 Questionnaire No 1, Question 7: Belgium, Brazil, Chile, Honduras, Sri Lanka, Togo.
- 139 2020 Questionnaire No 1, Question 7: Belgium, Luxembourg.
- 140 2020 Questionnaire No 1, Question 7: Bulgaria, Madagascar, Sweden.
- 141 2020 Questionnaire No 1, Question 7: India, Senegal, Togo.
- 142 2020 Questionnaire No 1, Question 7: El Salvador, Haiti, Honduras.
- 143 2020 Questionnaire No 1, Question 7: Norway.
- 144 2020 Questionnaire No 1, Question 7: Finland, Togo.
- 145 2020 Questionnaire No 1, Question 7: Andorra, Belgium, Finland, Spain, Togo, Uruguay.
- 146 2020 Questionnaire No 1, Question 7: Denmark.
- 147 2020 Questionnaire No 1, Question 7: Denmark.
- 148 Chart 9: Is search for origins included in the counselling and preparation of PAPs provided in receiving States? The responses from 28 receiving States were taken into account. 2020 Questionnaire No 1, Question 4:
- **Yes:** Andorra, Australia, Austria, Belgium, Canada, Finland, France, Germany, Italy, Luxembourg, New Zealand, Norway, Panama, Portugal, Spain, Switzerland.
  - **No:** Croatia, Dominican Republic, Greece, Ireland, USA.
  - **Unclear:** Czech Republic, Denmark, Malta, Mauritius, Mexico, Monaco, Sweden.
- Please note that some States of origin also responded having implemented this practice. However, it is not clear if they responded with regard to their practices for domestic adoptions, or if, for intercountry adoption, they have included such a practice when they meet with the PAPs (e.g., when the PAPs travel to the State of origin).
- 149 2020 Questionnaire No 1, Question 4: Congo, Croatia.
- 150 2020 Questionnaire No 1, Question 4: Andorra.
- 151 2020 Questionnaire No 1, Question 4: Canada, Finland, Portugal.
- 152 2020 Questionnaire No 1, Question 4: Canada.
- 153 2020 Questionnaire No 1, Question 4: Finland, Ireland.
- 154 Chart 10: Do States permit DNA testing for search for origins? The responses from 66 States were taken into account. 2020 Questionnaire No 1, Question 5:
- State permitting DNA testing:**
- **Yes:** Armenia, Australia, Belgium, Dominican Republic, El Salvador, Finland, Germany, Haiti, Honduras, India, Ireland, Italy, Latvia, Malta, Mauritius, New Zealand, Philippines, Serbia, Sri Lanka, Switzerland, Togo, Turkey, USA, Venezuela.
  - **No:** Belarus, Guinea.
  - **Unclear:** Andorra, Austria, Brazil, Bulgaria, Burkina Faso, Cambodia, Canada, Chile, China, Colombia, Congo, Costa Rica, Croatia, Czech Republic, Denmark, Ecuador, France, Greece, Lithuania, Luxembourg, Madagascar, Mexico, Monaco, Montenegro, Namibia, Norway, Panama, Peru, Poland, Portugal, Republic of Moldova, Romania, Senegal, Slovakia, Slovenia, South Africa, Spain, Sweden, Uruguay, Viet Nam.
- For the “unclear” responses, it was not clear whether DNA testing is permitted but not regulated or not permitted.
- Yes - Body testing:**
- **Government authority:** Finland, Honduras, Latvia, Malta, Mauritius, Philippines, Serbia, Sri Lanka, Turkey, Venezuela.

- **Public medical institution:** Armenia.
- **Private body publicly funded:** Belgium.
- **Private medical body:** India, New Zealand, Serbia, Switzerland, Togo.
- **Private companies:** Australia, Dominican Republic, El Salvador, Finland, Germany, Ireland, Latvia, Malta, Sri Lanka, USA.
- **No further information:** Haiti.
- **Unclear:** Italy.

In some States, it is also necessary to get the approval of a Court (2020 Questionnaire No 1, Question 5(a): El Salvador, Togo, Venezuela; Question 5(d): India) or another authority in charge of the search for origins (2020 Questionnaire No 1, Question 5(a): Switzerland) before doing the DNA test.

In some States, the body or institution needs to be specifically authorised to perform such tests (2020 Questionnaire No 1, Question 5(a): New Zealand, Switzerland).

**Yes - Place where the data is stored:**

- **Public authority:** India, Mauritius, Togo, Turkey.
- **Authority which requested the test:** El Salvador, New Zealand, Venezuela.
- **Where test was made:** Armenia, Australia, Belgium, Finland, Latvia, Malta, Philippines, Sri Lanka.
- **No further information:** Dominican Republic, Germany, Haiti, Ireland, Italy, Serbia, Switzerland.
- **Unclear:** Honduras, USA.

**Yes - Average cost:**

- **Free:** El Salvador, Honduras, Malta.
- **\$ 0 – 120 / € 0 – 100:** Germany, Serbia, Sri Lanka.
- **\$ 120 – 360 / € 100 – 300:** Dominican Republic, Finland, Latvia, Malta, USA.
- **> \$ 360 / > € 300:** Armenia, El Salvador, Haiti, New Zealand, Philippines, Switzerland, Togo, USA.
- **Vary:** Australia.
- **No further information:** India, Ireland, Italy, Mauritius, Turkey.
- **Unclear:** Belgium, Venezuela.

155 2020 Questionnaire No 1, Question 5(d): Australia, Sri Lanka.

156 2020 Questionnaire No 1, Question 5(d): Togo.

157 2020 Questionnaire No 1, Question 5(d): Philippines, Togo.

158 2020 Questionnaire No 1, Question 5(d): Belgium.

159 2020 Questionnaire No 1, Question 5(d): Chile.

160 GGP No 1, para. 189.

161 19 States provided some statistics about search for origins (2020 Questionnaire No 1, Question 8: Andorra, Brazil, Burkina Faso, Chile, Colombia, Costa Rica, Ecuador, Haiti, Honduras, Malta, Mauritius, Panama, Philippines, Romania, Sri Lanka, Togo, Uruguay, Venezuela, Viet Nam). However, nine of these States reported that there had been very few cases of adoptees searching for their origins (e.g., one to three cases - Burkina Faso, Chile, Costa Rica, Ecuador, Honduras, Mauritius, Panama, Togo, Venezuela).

162 2020 Questionnaire No 1, Question 8: Australia, Canada, Finland, Spain.

163 2020 Questionnaire No 1, Question 8: Australia, Brazil, Colombia, Haiti, Philippines, Romania, Togo, Uruguay.

164 2020 Questionnaire No 1, Question 8: Viet Nam.

165 2020 Questionnaire No 1, Question 8: Armenia, Colombia, Finland, Luxembourg, Malta, Romania.

166 2020 Questionnaire No 1, Question 8: Colombia, Malta, Romania.

167 2020 Questionnaire No 1, Question 8: Finland, Philippines, Spain.

168 2020 Questionnaire No 1, Question 8: Colombia, Philippines.

169 2020 Questionnaire No 1, Question 8: Malta, Philippines.

170 GGP No 1, para. 571.

171 Federal States, States with more than one system of law, or States having autonomous territorial units may designate one public authority per state, system or unit.

**POST-ADOPTION REPORTS**

172 GGP No 1, para. 592. See Art. 9 of the 1993 Adoption Convention.

173 GGP No 1, para. 601.

174 2020 Questionnaire No 1, Question 21: Australia, Canada, Denmark.

- 175 2020 Questionnaire No 1, Question 21: Australia, Canada.
- 176 2020 Questionnaire No 1, Question 21: Brazil, Colombia.
- 177 2020 Questionnaire No 1, Question 21: Spain.
- 178 2020 Questionnaire No 1, Question 21: Costa Rica, Peru.
- 179 2020 Questionnaire No 1, Question 21: Armenia, Australia, China.
- 180 2020 Questionnaire No 1, Question 21: Brazil.
- 181 2020 Questionnaire No 1, Question 21: Peru, Viet Nam.
- 182 2020 Questionnaire No 1, Question 21: Viet Nam.
- 183 2020 Questionnaire No 1, Question 19: Andorra, Canada, Croatia, Czech Republic, Denmark, Finland, Malta, Sweden, USA.
- 184 2020 Questionnaire No 1, Question 19: Portugal.
- 185 2020 Questionnaire No 1, Question 19: Spain.
- 186 2020 Questionnaire No 1, Question 19: Australia, New Zealand.
- 187 2020 Questionnaire No 1, Question 19: France.
- 188 2020 Questionnaire No 1, Question 21: Brazil, Chile, Ecuador, Honduras, Malta, Switzerland.
- 189 Do States use a model form for post-adoption reports? The responses from 51 States of origin and 27 receiving States were taken into account. CP-SO, Question 32(a): CP-RS, Question 27(b):
- SO using a model form:**
- **Yes:** Albania, Brazil, Chile, Colombia, Czech Republic, Ecuador, India, Lithuania, Peru, Republic of Korea, Romania, Rwanda, Slovakia, Sri Lanka, Thailand, Viet Nam.
  - **No:** Benin, Bulgaria, Burkina Faso, Burundi, Cabo Verde, Cambodia, China, Congo, Costa Rica, Côte d'Ivoire, Croatia, Dominican Republic, El Salvador, Estonia, Ghana, Guatemala, Guinea, Haiti, Honduras, Hungary, Latvia, Lesotho, Madagascar, Mauritius, Mexico, Namibia, Niger, Panama, Philippines, Portugal, Republic of Moldova, Serbia, Togo, Turkey, USA.
- RS using a model form:**
- **Yes:** Australia, Belgium, Canada, Denmark, Mauritius, Sweden.
  - **No:** Austria, Belgium, Canada, Croatia, Czech Republic, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, Malta, Monaco, Netherlands, New Zealand, Norway, Portugal, Slovenia, Spain, Switzerland, United Kingdom, USA.
- 190 Chart 11: For what duration of time must post-adoption reports be produced? The responses from 49 States of origin were taken into account. CP-SO, Question 32(b):
- **For 1-2 years (14 States):** Albania, Brazil, Bulgaria, Colombia, Croatia, Ecuador, Guatemala, Hungary, India, Latvia, Mauritius, Republic of Korea, Romania, Serbia.
  - **For 3-5 years (14 States):** Chile, China, Costa Rica, Dominican Republic, El Salvador, Estonia, Ghana, Lesotho, Lithuania, Mexico, Panama, Peru, Republic of Moldova, Viet Nam.
  - **For 6+ years (2 States):** Guinea, Haiti.
  - **Until 10 YO (1 State):** Sri Lanka.
  - **Until 16 YO (1 State):** Namibia.
  - **Until 18 YO (12 States):** Benin, Burkina Faso, Burundi, Cambodia, Congo, Czech Republic, Honduras, Madagascar, Rwanda, Slovakia, Thailand, Togo.
  - **Undetermined (2 States):** Cote d'Ivoire, Niger.
  - **Unclear (3 States):** Cabo Verde, Turkey, USA.
- 191 CP-SO, Question 32(b): Burkina Faso, Burundi, Cambodia, Chile, Ecuador, Ghana, Haiti, Honduras, Hungary, India, Lesotho, Lithuania, Madagascar, Republic of Moldova, Sri Lanka, Togo.
- 192 CP-SO, Question 32(b): Albania, Benin, Brazil, Bulgaria, Congo, Costa Rica, Cote d'Ivoire, Croatia, Dominican Republic, Guatemala, Guinea, Mexico, Niger, Panama, Peru, Romania, Rwanda, Serbia, Viet Nam. Interestingly, the legislation in one receiving State says that adoption authorities are only responsible for post-adoption reports for a maximum of 3 years after the child's arrival to the State (2020 Questionnaire, No 1, Question 21: Norway).
- 193 CP-SO, Question 32(b): Colombia, Czech Republic, Slovakia.
- 194 CP-SO, Question 32(b): Albania, Benin, Brazil, Bulgaria, Burkina Faso, Burundi, Chile, Colombia, Congo, Costa Rica, Côte d'Ivoire, Czech Republic, Dominican Republic, Ecuador, El Salvador, Estonia, Ghana, Guatemala, Guinea, Haiti, Honduras, Hungary, Latvia, Lithuania, Madagascar, Mauritius, Mexico, Namibia, Niger, Panama, Peru, Philippines, Republic of Moldova, Romania, Rwanda, Slovakia, Thailand, Togo, Viet Nam.
- 195 CP-SO, Question 32(b): Cambodia, China, Croatia, Estonia, India, Lesotho, Republic of Korea, Sri Lanka.
- 196 Chart 12: Who should be responsible for writing the post-adoption reports? The responses from 51 States of origin were taken into account. CP-SO, Question 32(b):

**AAB:** Congo, Costa Rica, Côte d'Ivoire, Dominican Republic, Ecuador, El Salvador, Ghana, Haiti, Honduras, Lesotho, Mauritius, Niger, Portugal, Republic of Korea, Serbia.

**Social worker:** Albania, Benin, Brazil, Cambodia, Chile, Côte d'Ivoire, Czech Republic, Hungary, India, Lithuania, Madagascar, Namibia, Togo.

**Central Authority:** Colombia, Costa Rica, Croatia, Dominican Republic, El Salvador, Guatemala, Guinea, Latvia, Mexico, Panama, Philippines, Republic of Moldova, Togo.

**Authority in RS:** Bulgaria, Burkina Faso, Burundi, Croatia, Peru, Romania, Serbia, Sri Lanka.

**Adoptive parents:** Cambodia, Haiti, Lesotho, Madagascar, Rwanda, Thailand, Viet Nam.

**Unclear:** Cabo Verde, Estonia, Slovakia, Turkey, USA.

- 197 CP-SO, Question 32(b): Bulgaria, Colombia, Costa Rica, Mexico.
- 198 CP-SO, Question 32(b): El Salvador, Panama, Philippines, Romania, Slovakia.
- 199 2020 Questionnaire No 1, Question 21: Canada, Finland, France, Spain.
- 200 2020 Questionnaire No 1, Question 21: Lithuania, Poland.
- 201 2020 Questionnaire No 1, Question 21: Canada.
- 202 2020 Questionnaire No 1, Question 21: Switzerland.
- 203 2020 Questionnaire No 1, Question 21: Finland, France.
- 204 2020 Questionnaire No 1, Question 21: Malta.
- 205 2020 Questionnaire No 1, Question 21: Denmark, Serbia.
- 206 2020 Questionnaire No 1, Question 21: Belgium, Denmark, Malta, USA. There is a higher risk that adoptive parents do not comply with the post-adoption reports when the adoption was an independent one without the intervention of an AAB (2020 Questionnaire, No 1, Question 21: Belgium, Cambodia).
- 207 2020 Questionnaire No 1, Question 21: France.
- 208 2020 Questionnaire No 1, Question 21: Finland.
- 209 2020 Questionnaire No 1, Question 21: Germany, Malta, Spain.
- 210 2020 Questionnaire No 1, Question 21: Canada.
- 211 2020 Questionnaire No 1, Question 20: Canada, USA.
- 212 2020 Questionnaire No 1, Question 20: France, Germany, Italy, Spain.
- 213 2020 Questionnaire No 1, Question 20: France.
- 214 2020 Questionnaire No 1, Question 20: Finland, Germany, Italy.
- 215 2020 Questionnaire No 1, Question 20: Canada.
- 216 2020 Questionnaire No 1, Question 20: Spain.
- 217 CP-RS, Question 27(c): Australia, Austria, Canada, Ireland. One State has created an interactive monitoring information system to track the completion of reports (CP-RS, Question 27(c): Italy).
- 218 CP-RS, Question 27(c): Croatia, Monaco, Portugal, Slovenia.
- 219 CP-RS, Question 27(c): Belgium, Netherlands, Sweden.
- 220 CP-RS, Question 27(c): Belgium.
- 221 CP-SO, Question 32(c): Albania (CA), Bulgaria (AAB or CA), Burkina Faso (AAB), Cambodia (AAB and CA), Colombia (first contact AAB, then CA), Costa Rica (AAB or CA), Dominican Republic (first contact AAB then CA), Haiti (AAB), Mexico (CA), Romania (CA), Rwanda (CA), Serbia (CA), Sri Lanka (CA or AAB).
- 222 CP-SO, Question 32(c): Brazil, Burundi, Colombia, Congo, Dominican Republic, Ecuador, El Salvador, Guinea, Haiti, Honduras, India, Latvia, Lithuania, Panama, Peru, Romania.
- 223 CP-SO, Question 32(c): Chile, Croatia, Czech Republic, Lithuania, Togo.
- 224 CP-SO, Question 32(c): Brazil, Chile, China, Colombia, Congo, Costa Rica, Croatia, Czech Republic, India, Latvia, Mexico, Panama, Philippines, Rwanda, Thailand, Togo.
- 225 CP-SO, Question 32(c): Dominican Republic, Honduras, Thailand.
- 226 2020 Questionnaire No 1, Question 21: Canada, China.
- 227 2020 Questionnaire No 1, Question 21: Finland, Malta.
- 228 2020 Questionnaire No 1, Question 21: France.
- 229 CP-SO, Question 32(d): Albania, Burkina Faso, Guinea, Latvia, Namibia, Niger, Philippines, Romania, Serbia.
- 230 CP-SO, Question 32(d): Benin, Cambodia, Colombia, Congo, Croatia, Ecuador, Ghana, Guatemala, Madagascar, Mauritius, Mexico, Peru, Romania, Rwanda, Togo.
- 231 CP-SO, Question 32(d): Brazil, Burundi, China, Colombia, Costa Rica, Estonia, Haiti, Honduras, India, Latvia, Lesotho, Niger, Panama, Portugal, Viet Nam.
- 232 CP-SO, Question 32(d): Chile, Czech Republic, Ecuador, El Salvador.

- 233 CP-SO, Question 32(d): Burundi, Colombia.  
 234 CP-SO, Question 32(d): El Salvador, Haiti, Lithuania, Republic of Moldova.  
 235 CP-SO, Question 32(d): Lithuania, Thailand.

## ADOPTION BREAKDOWNS

- 236 For the purpose of this Paper, the HCCH has followed the terms used by ISS. See C. Jeannin, *Towards a greater capacity: Learning from intercountry adoption breakdowns*, Geneva, Switzerland, ISS, 2018. Namely: The terms 'breakdowns'/'failures' of intercountry adoptions or 'disruptions' (which can be of a temporary or definitive nature) and 'crisis' [cover, among others the following situations]:
- Invisible separations characterised by a family coexistence without the creation of a solid and secure attachment.
  - De facto separations in which the adoptive family coexistence is interrupted without having the child protection system activated and social services involved.
  - Temporary separations or disruptions following an administrative or judicial decision.
  - Definitive separations leading to a total disruption of family ties following a judicial or administrative decision.
- 237 Chart 13: Are Central Authorities aware of any situations where an adoption which involved their State broke down? The responses from 66 States were taken into account. 2020 Questionnaire No 1, Question 22:
- **Yes:** Australia, Belgium, Brazil, Bulgaria, Burkina Faso, Canada, Chile, China, Colombia, Costa Rica, Czech Republic, Finland, France, Germany, Greece, Haiti, Honduras, India, Italy, Latvia, Lithuania, Luxembourg, New Zealand, Peru, Philippines, Poland, Romania, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, Togo, USA.
  - **No:** Andorra, Montenegro, Portugal, Serbia, Sri Lanka.
  - **No information available:** El Salvador, Ireland, Norway.
  - **Unclear:** Armenia, Guinea, Madagascar, Monaco.
  - **No response:** Austria, Belarus, Cambodia, Congo, Croatia, Denmark, Dominican Republic, Ecuador, Malta, Mauritius, Mexico, Namibia, Panama, Republic of Moldova, Senegal, Turkey, Uruguay, Venezuela, Viet Nam.
- 238 2020 Questionnaire No 1, Question 23: Finland, Luxembourg.  
 239 2020 Questionnaire No 1, Question 22(a): Finland, Norway.  
 240 See *supra* endnote 236.  
 241 For the PAPs, this includes, for example, situations where their capacity to take care of and / or bond with an adopted child (with or without special needs) was not sufficiently and / or properly evaluated. See 2020 Questionnaire No 1, Question 22(a): Burkina Faso, Canada, Germany, Peru, Slovakia.  
 For the child, this includes, for example, situations where the child's special needs had not been diagnosed at all or not sufficiently / properly, and / or where the child's family history (e.g., in case of abuses and thus possible trauma of the child) had not been properly recorded on the child's report. See 2020 Questionnaire No 1, Question 22(a): Australia, Canada, Germany, Greece, Italy, Peru, Philippines, Spain, Switzerland, USA.  
 242 2020 Questionnaire No 1, Question 22(a): Canada, Chile, Honduras, Luxembourg, Poland, Spain, Switzerland, USA.  
 243 2020 Questionnaire No 1, Question 22(a): Canada, Germany, Poland.  
 244 2020 Questionnaire No 1, Question 22(a): Australia, Belgium, France, Spain, USA.  
 245 2020 Questionnaire No 1, Question 22(a): France, Honduras; 2020 Questionnaire No 1, Question 22(e): New Zealand.  
 246 2020 Questionnaire No 1, Question 22(a): France.  
 247 2020 Questionnaire No 1, Question 22(a): Canada, Poland, USA.  
 248 2020 Questionnaire No 1, Question 22(a): Brazil, Colombia, Finland, Honduras, India, Lithuania, New Zealand, Peru, South Africa, Switzerland, USA.  
 249 2020 Questionnaire No 1, Question 22(a): Belgium, Canada, Latvia, Luxembourg.  
 250 2020 Questionnaire No 1, Question 22(a): Italy, Luxembourg, Spain, Togo.  
 251 2020 Questionnaire No 1, Question 22(a): Czech Republic, Italy.  
 252 2020 Questionnaire No 1, Question 22(a): Australia, Canada, Colombia, Peru.  
 253 2020 Questionnaire No 1, Question 22(a): Colombia, Costa Rica.  
 254 2020 Questionnaire No 1, Question 22(a): Belgium, Chile, Finland, France, Luxembourg, Philippines, Slovenia, Spain, Switzerland.  
 255 2020 Questionnaire No 1, Question 22(a): Brazil, Bulgaria, Finland, Haiti, New Zealand, Peru, Romania, Sweden.  
 256 2020 Questionnaire No 1, Question 22(a): France, USA.  
 257 2020 Questionnaire No 1, Question 23: Ireland.  
 258 Chart 14: Are Central Authorities in receiving States informed / consulted by the competent authorities in case of adoption breakdown? The responses from 25 States were taken into account. 2020 Questionnaire No 1, Question 23:
- **Yes:** Australia, Austria, Belgium, Germany, Italy, New Zealand, Switzerland.

- **Yes sometimes:** Canada (if the child is taken into care), Croatia (if it is in the best interests of the child), Denmark (if it happened shortly after the adoption was completed), France (if it happened shortly after the adoption was completed), USA (if it is decided that the child should return to the State of origin).
- **No:** Finland, Ireland, Luxembourg, Mauritius, Norway.
- **No case:** Andorra, Malta, Portugal.
- **Unclear:** Czech Republic, Greece, Monaco, Spain, Sweden.

259 2020 Questionnaire No 1, Question 23: Canada, Denmark, France.

260 2020 Questionnaire No 1, Question 23: Belgium, Mauritius.

261 2020 Questionnaire No 1, Question 23: USA.

262 2020 Questionnaire No 1, Question 23: Canada.

263 2020 Questionnaire No 1, Question 23: Mexico.

264 2020 Questionnaire No 1, Question 23: New Zealand.

265 2020 Questionnaire No 1, Question 22(c): Brazil, Panama; Question 24(a): Belgium, France, Luxembourg; Question 25(a): Czech Republic, Honduras, Latvia, Mexico, Peru, Poland, Slovakia; Question 25(b): El Salvador, Slovakia.

266 Chart 15: Do receiving States consult with the Central Authority of the State of origin in case of adoption breakdown / new placement? Please note that this question was intended to focus on disruptions, breakdowns and new placements that occur after the adoption has been completed (*i.e.*, not before), however it is not clear if all responses only refer to such situations. Please also note that it is not clear whether the distinction between a breakdown and a new placement (*i.e.*, a new placement would occur after a breakdown but not all breakdowns will lead to a new placement) was properly understood. Thus, the PB has had to interpret the responses to the best of its knowledge. The responses from 66 States were taken into account. 2020 Questionnaire No 1, Question 24:

**Adoption breakdown** (2020 Questionnaire No 1, Question 24(a)):

- **Yes:** Australia, Austria, Belgium, Denmark, Germany, Italy, Luxembourg, Malta, New Zealand, Portugal, Spain, Switzerland, USA.
- **Yes, if relevant:** Canada, Croatia, France.
- **No:** Czech Republic, Finland, Greece, Ireland, Norway, Sweden.
- **Unclear:** Monaco.
- **No response:** Andorra, Mauritius.

**New placement** (2020 Questionnaire No 1, Question 24(b)):

- **Yes:** Australia, Austria, Belgium, Denmark, France, Germany, New Zealand, Portugal, Spain, USA.
- **Yes, if relevant:** Canada, Croatia.
- **No:** Czech Republic, Finland, Greece, Italy, Luxembourg, Mauritius, Monaco, Norway, Sweden.
- **Unclear:** Malta, Switzerland.
- **No response:** Andorra, Ireland.

267 2020 Questionnaire No 1, Question 24(a): Australia, Denmark, Portugal; Question 24(b): Denmark, Portugal.

268 2020 Questionnaire No 1, Question 24(a): Panama.

269 2020 Questionnaire No 1, Question 25(b): Poland.

270 2020 Questionnaire No 1, Question 24(a): Australia, New Zealand; Question 24(b): New Zealand.

271 2020 Questionnaire No 1, Question 22(c): Colombia, Czech Republic, Latvia, Lithuania, Peru, South Africa.

272 2020 Questionnaire No 1, Question 24(a): Spain.

273 2020 Questionnaire No 1, Question 24(a): Australia, Malta, Mexico, Monaco.

274 2020 Questionnaire No 1, Question 22(d): China, El Salvador; Question 25(a): Brazil; Question 25(b): Peru.

275 2020 Questionnaire No 1, Question 25(a): Chile.

276 2020 Questionnaire No 1, Question 22(d): Czech Republic ; Question 22(c): Portugal.

277 Chart 16: Are States applying the HCCH 1996 Child Protection Convention in cases of adoption breakdown? The responses from 66 States were taken into account. 2020 Questionnaire No 1, Question 22(i):

- **Yes:** Lithuania.
- **No:** Bulgaria, Costa Rica, Czech Republic, Denmark, France, Italy, Malta, Monaco, Serbia, Sweden, Switzerland.
- **No data:** Belgium.
- **Unclear:** Armenia, Australia, Finland, Slovakia, Spain.
- **No response:** Austria, Croatia, Dominican Republic, Ecuador, Germany, Greece, Honduras, Ireland, Latvia, Luxembourg, Montenegro, Norway, Poland, Portugal, Romania, Slovenia, Turkey, Uruguay.
- **Not party to the 1996 Convention:** Andorra, Belarus, Brazil, Burkina Faso, Cambodia, Canada, Chile, China, Colombia, Congo, El Salvador, Guinea, Haiti, India, Madagascar, Mauritius, Mexico, Namibia, New Zealand, Panama, Peru, Philippines, Republic of Moldova, Senegal, South Africa, Sri Lanka, Togo, USA, Venezuela, Viet Nam.

- 278 2020 Questionnaire No 1, Question 22(i): Italy.
- 279 2020 Questionnaire No 1, Question 22(b): Australia, France, Luxembourg, Spain, Switzerland.
- 280 2020 Questionnaire No 1, Question 22(b): Chile, Czech Republic, Greece, India, Luxembourg, Malta, Peru, Philippines, Spain, Togo.
- 281 2020 Questionnaire No 1, Question 22(b): Denmark, France, Italy, Luxembourg.
- 282 2020 Questionnaire No 1, Question 22(b): Belgium, Chile, Colombia, Denmark, France, India, Lithuania, Peru, South Africa, Togo.
- 283 2020 Questionnaire No 1, Question 22(b): New Zealand, Spain.
- 284 2020 Questionnaire No 1, Question 22(b): Canada, Chile, Lithuania, South Africa, Switzerland.
- 285 2020 Questionnaire No 1, Question 22(b): Burkina Faso, Canada, Germany, Latvia.
- 286 2020 Questionnaire No 1, Question 22(b): Germany.
- 287 2020 Questionnaire No 1, Question 22(b): Canada, Costa Rica, India, Latvia, Switzerland.
- 288 2020 Questionnaire No 1, Question 22(b): Canada, Costa Rica; Question 22(e): India.
- 289 2020 Questionnaire No 1, Question 22(b): Canada.
- 290 2020 Questionnaire No 1, Question 22(a): Colombia.
- 291 2020 Questionnaire No 1, Question 22(e): Brazil, Honduras.
- 292 2020 Questionnaire No 1, Question 22(e): India.
- 293 2020 Questionnaire No 1, Question 22(b) and (d): Costa Rica.
- 294 2020 Questionnaire No 1, Question 22(d): Costa Rica, Philippines.
- 295 2020 Questionnaire No 1, Question 22(e): Germany, New Zealand.
- 296 2020 Questionnaire No 1, Question 22(e): Philippines.
- 297 2020 Questionnaire No 1, Question 22(e): Colombia, France, Germany.
- 298 **Chart 17: Have States experienced breakdown cases in which it was determined that it was in the best interests of the child (BIC) to return to the State of origin?** The responses from 58 States were taken into account. 2020 Questionnaire No 1, Question 22(e):
- **Yes for reasons regarding the best interests of the child:** Belgium, Canada, Costa Rica, India, Philippines.
  - **Yes but for other reasons:** Brazil, Colombia, France, Germany, Honduras, New Zealand.
  - **No:** Australia, Bulgaria, Chile, China, Denmark, Guinea, Italy, Latvia, Lithuania, Luxembourg, Mexico, Monaco, Panama, Peru, Poland, Spain, Switzerland, Togo, USA.
  - **Unclear:** Haiti.
  - **No response:** Armenia, Austria, Belarus, Burkina Faso, Cambodia, Congo, Croatia, Czech Republic, Dominican Republic, Ecuador, Finland, Greece, Madagascar, Malta, Mauritius, Namibia, Republic of Moldova, Romania, Senegal, Slovakia, Slovenia, South Africa, Sweden, Turkey, Uruguay, Venezuela, Viet Nam.
- 299 See *supra* endnote 236.
- 300 2020 Questionnaire No 1, Question 22(b): Andorra, Spain; Question 22(c): Denmark; Question 22(d): Andorra.
- 301 2020 Questionnaire No 1, Question 22(d): Canada.
- 302 2020 Questionnaire No 1, Question 22(d): Canada, China, Honduras Latvia, Romania, Slovakia.
- 303 2020 Questionnaire No 1, Question 22(d): Switzerland.
- 304 2020 Questionnaire No 1, Question 22(b): Honduras
- 305 2020 Questionnaire No 1, Question 22(d): Togo.
- 306 2020 Questionnaire No 1, Question 22(d): Australia.
- 307 2020 Questionnaire No 1, Question 22(c): Belgium.
- 308 2020 Questionnaire No 1, Question 22(b): Andorra, Chile, Luxembourg, Spain; Question 22(c): Denmark, Finland, Luxembourg, Spain; Question 22(d): Andorra, France, Luxembourg, Malta, Portugal, Spain.
- 309 2020 Questionnaire No 1, Question 22(c): Finland ; Question 22(d): Australia.
- 310 See 2010 SC, C&R No 9: “The [SC] emphasised the need for country specific preparation and for [PAPs] to have some knowledge of the culture of the child and his or her language in order to communicate with the child from the matching stage”.
- 311 2020 Questionnaire No 1, Question 22(d): Canada.
- 312 2020 Questionnaire No 1, Question 22(b): Andorra.
- 313 2020 Questionnaire No 1, Question 22(d): Bulgaria.
- 314 2020 Questionnaire No 1, Question 22(d): Australia, Canada, Norway.
- 315 2020 Questionnaire No 1, Question 22(d): Serbia.
- 316 2020 Questionnaire No 1, Question 22(d): Canada, Luxembourg.



- 317 2020 Questionnaire No 1, Question 22(c): Denmark, Malta; Question 22(d): Brazil, Republic of Moldova, Romania.
- 318 2020 Questionnaire No 1, Question 22(b): Spain.
- 319 2020 Questionnaire No 1, Question 22(c): Luxembourg.
- 320 2020 Questionnaire No 1, Question 22(d): Belgium.
- 321 2020 Questionnaire No 1, Question 22(d): Belgium.
- 322 2020 Questionnaire No 1, Question 22(d): South Africa, Sweden.
- 323 2020 Questionnaire No 1, Question 22(d): Andorra, Luxembourg.
- 324 2020 Questionnaire No 1, Question 22(c): Canada, Chile, Finland.
- 325 2020 Questionnaire No 1, Question 22(c): Australia, Belgium; Question 22(d): Canada, Spain.
- 326 2020 Questionnaire No 1, Question 22(c): Switzerland.
- 327 2020 Questionnaire No 1, Question 22(c): Luxembourg, Romania, Spain.
- 328 2020 Questionnaire No 1, Question 22(d): Canada.
- 329 2020 Questionnaire No 1, Question 22(c): Armenia, Australia, Belgium, Canada, Costa Rica, Denmark, Finland, France, Germany, Honduras, India, Italy, Lithuania, Luxembourg, Malta, Panama, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, USA; Question 22(d): Czech Republic.
- 330 2020 Questionnaire No 1, Question 22(c): Luxembourg.
- 331 2020 Questionnaire No 1, Question 22(c): Denmark, Finland, France, Italy, Malta, Romania.
- 332 2020 Questionnaire No 1, Question 22(c): Andorra, Finland.
- 333 2020 Questionnaire No 1, Question 22(d): Andorra, Finland.
- 334 2020 Questionnaire No 1, Question 22(d): Andorra, Australia, Peru.
- 335 2020 Questionnaire No 1, Question 22(c): Denmark.
- 336 2020 Questionnaire No 1, Question 22(c): Australia, Canada, Finland, France.
- 337 2020 Questionnaire No 1, Question 22(c): Norway.
- 338 2020 Questionnaire No 1, Question 22(f): Australia, Colombia, Denmark, Finland, Germany, Italy, Luxembourg, Sweden, Switzerland; Question 22(g): Canada, Colombia, Denmark, Finland, Luxembourg, Sweden, Switzerland, USA.
- 339 2020 Questionnaire No 1, Question 22(h): Brazil, Poland, USA.
- 340 2020 Questionnaire No 1, Question 22(f):
- **0 adoption breakdown:** Andorra, Canada (MB), El Salvador, Greece, Guinea, Mexico, Monaco, Panama, Portugal, Senegal, Serbia, Sri Lanka.
  - **1 adoption breakdown:** Armenia, Burkina Faso, Czech Republic, Madagascar, Romania.
  - **2 adoption breakdowns:** Brazil, Haiti, Slovenia.
  - **3 adoption breakdowns:** Honduras, Peru.
  - **4 adoption breakdowns:** Belgium, Chile, Lithuania.
  - **5 adoption breakdowns:** India.
  - **6 adoption breakdowns:** Latvia, New Zealand, Poland.
  - **Approximately 10 adoption breakdowns:** Canada (AB).
  - **Approximately 20 adoption breakdowns:** Spain.
  - **Approximately 30 adoption breakdowns:** Bulgaria.
  - **Approximately 40 adoption breakdowns:** Philippines.
  - **Approximately 50 :** France.
  - **Approximately 350 adoption breakdowns:** USA.
- 341 2020 Questionnaire No 1, Question 22(g):
- **All or most adoption breakdowns included a new placement of the child:** Armenia, Belgium, Brazil, Burkina Faso, Czech Republic, France, Germany, Honduras, Italy, Latvia, Lithuania, Poland, Romania, Slovenia.
  - **Not all or most adoption breakdowns included a new placement of the child:** Bulgaria (more than 50%), Chile (50%), India (2/5), Peru (1/3), Spain (3/22).
- 342 **Adoptions done under the Convention:** 2020 Questionnaire No 1, Question 22(h): Armenia, Brazil, Bulgaria, Chile, Colombia, Costa Rica, Greece, Haiti, India, Peru, Philippines, Poland, Togo.
- Adoptions done outside the Convention:** 2020 Questionnaire No 1, Question 22(h): Monaco, Slovenia.
- Adoptions done under the Convention, as well as outside:** 2020 Questionnaire No 1, Question 22(h): Belgium, New Zealand, Spain.
- 343 2020 Questionnaire No 1, Question 22(d): Switzerland.

## FUTURE WORK

- 344 Prel. Doc. No 2 of December 2019, “Analysis of the responses to the 2019 Questionnaire on possible topics and format for the Fifth Meeting of the SC to review the practical operation of the 1993 Adoption Convention”, para. 14.
- 345 2020 Questionnaire No 1, Question 28:
- **Support:** Andorra, Armenia, Australia, Brazil, Canada, Chile, Colombia, Congo, Costa Rica, Denmark, Ecuador, El Salvador, Finland, France, Germany, Greece, Guinea, Haiti, Honduras, India, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Mexico, New Zealand, Norway, Panama, Peru, Philippines, Poland, Portugal, Republic of Moldova, Romania, Senegal, Slovenia, South Africa, Spain, Sweden, Switzerland, Togo, Uruguay, Venezuela, Viet Nam.
  - **Flexible or no objection:** Austria, Belarus, China (HKSAR), Monaco, Serbia.
  - **Others:** Czech Republic, USA.