

The people at the heart of the adoption

The child, the family of origin, and the adoptive family

Fact sheet No 1 for the meeting of the Special Commission of 2015

For discussion on Tuesday 9 June 2015

Background

Most of the States Parties to the *Hague Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption* (the "1993 HC") acknowledge that implementation of the Convention has resulted in improvements at various levels of the intercountry adoption ("ICA") procedure and that this has had a positive impact on children, families of origin and adoptive families. Nevertheless, certain aspects of the ICA procedure warrant further discussion, in order to overcome the remaining challenges as to the protection of children's rights and best interests.¹

The purpose of this Fact Sheet is, on the basis of the replies received to the 2014 Country Profiles and to Questionnaire No 2,² to identify some challenges in this area reported by some States, to recall the existing good practices and to suggest certain "ideas for further consideration" which might be discussed during the upcoming Special Commission meeting.³

Protecting the rights of the family of origin

See also the *Guide to Good Practice No 1 ("Guide No 1")*, chapters 2, 6 and 7.2, and *Guide to Good Practice No 2 ("Guide No 2")*, chapter 10.⁴

What are the main concerns raised⁵?

- ☐ Support for the family of origin is usually considered solely from the informational standpoint, and rarely from the standpoint of counselling and support.⁶
- ☐ The entire procedure for obtaining consent from the family of origin is not always clear.⁷

Rules and good practices already recognised⁸

- ✓ Adoption, and *a fortiori* ICA, is a child protection measure that needs to be included in a comprehensive family and child protection policy.⁹
- ✓ Implementation of the subsidiarity principle requires sufficient human and financial resources.¹⁰
- ✓ Laws and procedures should provide for and publicise counselling and support services for families of origin.¹¹
- ✓ The required consents need to be obtained in accordance with the safeguards provided for by the 1993 Hague Convention (Art. 4) and the domestic legislation.¹²
- ✓ Use of the Model Form for the "Statement of consent to the adoption" is recommended.¹³

Some key rules and requirements of the 1993 HC in this area:

At the level of the State of origin

- ❖ Ensuring that the necessary consents to the intercountry adoption have been obtained in accordance with the Convention's safeguards (Art. 4).
- ❖ Preparing a report on the adoptable child (Art. 4) which contains specific and accurate information (Art. 16).

At the level of the receiving State

- ❖ Ensuring that the determination of the prospective adoptive parents' eligibility and suitability to adopt has been accompanied by the necessary counselling (Art. 5).
- ❖ If the prospective adoptive parents are eligible and suited to adopt (Art. 5), preparing a report on them containing specific and accurate information (Art. 15).

At the level of all States

- ❖ Promoting the development of adoption counselling and post-adoption services in all States, either directly or with partners (Art. 9(c)).
- ❖ Preserving information concerning the child's origins and ensuring that, under appropriate guidance and in so far as is permitted by the law of the relevant State, the information is accessible to the child or the child's representative (Arts 9 and 30(1) and (2)).
- ❖ Preventing any contact between the prospective adoptive parents and the child's parents or any other person who has care of the child until certain provisions have been complied with, subject to specific exceptions (Art. 29).

The child's life plan

See also *Guide No 1, chapters 2, 6 and 7, and Guide No 2, chapter 10.*

Complying with the safeguards surrounding adoptability

What are the main concerns raised?

- ☐ In determining the child's adoptability, the medical, psychological and social criteria seem generally not to be taken into account.¹⁴
- ☐ The manner in which the child's consent to the adoption is taken into account in relation to the determination of his or her adoptability remains, in general, unclear.¹⁵
- ☐ The process leading to the determination of the child's adoptability is not always clear and is occasionally lengthy.¹⁶
- ☐ The measures taken to comply with the subsidiarity principle rarely include deadlines.¹⁷

Rules and good practices already recognised

- ✓ Taking the legal, medical, psychological and social criteria into account in determining adoptability, and establishing those criteria as the basis for the decision.¹⁸
- ✓ Ensuring proper support for the child when obtaining his / her opinion and / or consent (where required, in light of his / her degree of maturity), and ensuring that the child's opinion and consent are taken into account when determining adoptability (Arts 4 and 16).¹⁹
- ✓ Verifying that the decision that a child is adoptable is a measure supporting the principle of the child's best interests.²⁰
- ✓ Contemplating ICA only once the possibility of either reunifying the child with his / her biological family or finding a permanent family placement within the State of origin have been duly taken into account, whilst also avoiding undue delay (Arts 4 and 35).²¹

Acknowledging the importance of the child's preparation at every stage

What are the main concerns raised?

- ☐ The child's preparation for his or her future is undertaken only after matching, and is usually not well developed during the pre-matching placement period.²²
- ☐ The child's profile (and his or her age, in particular) is not sufficiently taken into account in his / her preparation for adoption.²³
- ☐ The failure to prepare the child for adoption, or the insufficient preparation of the child, is not always identified as problematic.²⁴

Good practice already recognised

- ✓ Remembering the importance of the child's preparation for adoption, and of offering him or her psychological counselling.²⁵

Ideas for further consideration

- ⇒ Emphasising the importance of the child's preparation at every stage.
- ⇒ Developing and establishing support methods for the child, in particular the opening and keeping of a lifebook²⁶ as soon as he or she is placed in an institution or foster family, whether or not he or she has been declared adoptable.
- ⇒ Involving the child systematically in the development of his or her life plan and adapting the support methods to suit the child's age and special needs.²⁷
- ⇒ Recognising other existing good practices in this area²⁸ and / or establishing new recommendations in relation to the child's life plan and his or her preparation for adoption.

Reinforcing support with suitable professionals

What are the main concerns raised?

- ☐ In most cases, the content of, and methods for, the preparation of the child, in particular before his / her matching, are not formalised.²⁹
- ☐ The qualifications of the specialist staff involved in the preparation of the child remain unclear in most cases, and specific training is not given sufficient emphasis.³⁰
- ☐ The transition stages, in particular the departure of the child from the State of origin, are not always identified as requiring special support and preparation, and are often not managed adequately.³¹
- ☐ Opportunities for collaboration in this area are not explored sufficiently.³²

Ideas for further consideration

- ⇒ Training the existing staff in good practices and / or hiring new professionals, having regard to the realities of each State.³³
- ⇒ Recalling the importance of supporting the child during transition stages, and in particular when his or her links to the State of origin are disrupted.³⁴
- ⇒ Acknowledging the opportunities for co-operation between States of origin and receiving States in the area of the child's preparation, in particular through the relevant adoption accredited bodies ("AABs"), and setting the terms of that co-operation.³⁵
- ⇒ Identifying with clarity, and adopting, good practices in this area, and / or evaluating new practices.

The adoption plan of the prospective adoptive parents (“PAPs”)

See also *Guide No 1, chapters 6.4.5 and 7.4, and Guide No 2, chapter 11.*

Performing adequate evaluations of the PAPs’ psycho-social abilities

What are the main concerns raised?

- ☐ The prior training of PAPs and their awareness of ICA matters are not always taken into account in their evaluations.³⁶
- ☐ The assessment framework for the evaluation of the PAPs is not always formalised, and often not adequate.³⁷
- ☐ The reports on the PAPs do not always mention, in the manner expected by States of origin, their psycho-social evaluation.³⁸
- ☐ The suitability and preparation of PAPs with respect to the particular children adoptable in a specific State of origin are not always reflected in PAPs’ files.³⁹
- ☐ Communication between States of origin and receiving States is not always developed in a manner such that States have an up-to-date knowledge of the realities of ICA in other States.⁴⁰

Rules and good practices already recognised

- ✓ Remembering the distinction between “eligibility” and “suitability”, and including both aspects in the preparation of reports on PAPs (Art. 15).⁴¹
- ✓ Improving communication and co-operation between States in order for the realities of adoption to be recognised by all stakeholders, and for preparation of the PAPs to take into account the profiles of adoptable children in the relevant States of origin.⁴²
- ✓ Recalling the good practices already identified.⁴³

Ideas for further consideration

- ⇒ Developing a, preferably mandatory, training plan for PAPs (at the national level), and entering the information in the reports on the PAPs.⁴⁴
- ⇒ Considering the need for further development of good practices.⁴⁵

Reducing the waiting period and using it to best effect

What are the main concerns raised?

- ☐ Updating of the information relating to the PAPs is not sufficiently regular, and does not adequately take into account the evolution of their adoption plan.⁴⁶
- ☐ Integration of the waiting period into the training plan is still limited and the PAPs’ involvement in activities during this period remains at their discretion.⁴⁷
- ☐ Receiving States do not appear to give much advance consideration to the issue of how to manage the applications of PAPs.⁴⁸

- ☐ The lack of communication with respect to the selection of PAPs and the duration of adoption procedures in States of origin sometimes makes it difficult to limit the application numbers and manage the waiting period.⁴⁹

Good practices already recognised

- ✓ Recalling the importance of accuracy in the reports on the PAPs.⁵⁰
- ✓ Reiterating the recommendation for States of origin to assist receiving States in developing selection criteria for PAPs by providing them with information as to the profile and needs of adoptable children.⁵¹

Ideas for further consideration

- ⇒ Complying with the arrangements developed between States regarding the updating of the reports on PAPs, and reflecting on these arrangements taking into account that a balance must be struck between the need for information, and the burden of administrative formalities for the PAPs and receiving States.
- ⇒ Improving the communication and co-operation between States in order to achieve greater transparency as to the progress of the PAPs’ application in the State of origin.
- ⇒ Identifying good practices with respect to methods for counselling and preparation of the PAPs during the waiting period, as well as methods intended to ensure that PAPs remain committed and suited to their adoption plan.

Strengthening preparation specific to the adoption plan and matched child

What are the main concerns raised?

- ☐ The specialised preparation of PAPs (*i.e.*, taking into consideration the particular characteristics of a specific State of origin of a child) remains, usually, optional and is not typically included in the training curricula established by some receiving States.⁵²
- ☐ It is generally not clear whether the preparation of PAPs is specific to the child with whom they have been matched, and whether PAPs have been prepared for their meeting with this child.⁵³
- ☐ In relation to the preparation of the PAPs, the respective roles and responsibilities of the Central Authorities of receiving States and AABs are still often not clearly defined and co-ordinated.⁵⁴
- ☐ The State of origin does not always seem to play a supportive role for PAPs during their stay in that State.⁵⁵

Good practices already recognised

- ✓ Ensuring that PAPs are duly prepared in view of the State of origin from which they are adopting their child and the characteristics of the child they are about to adopt.⁵⁶
- ✓ Ensuring that the duties delegated to the AABs with respect to counselling and preparation of the PAPs⁵⁷ are duly supervised by the Central Authorities of the receiving States.⁵⁸

Ideas for further consideration

- ⇒ Remembering the importance of support for PAPs during their stay in the State of origin.⁵⁹
- ⇒ Identifying good practices with respect to preparation before the meeting of the child and PAPs, both before the PAPs' departure to the State of origin and during their stay in that State.

Children with special needs (“SNC”)

See also *Guide No 1, chapter 7.3, and Guide No 2, chapter 11.2.*

Identifying adoptable SNCs

What are the main concerns raised?

- ☐ The determination of whether a child has “special” needs is usually based on practice and, in particular, on the practice of States of origin and this is often not regulated.⁶⁰
- ☐ The wide range of needs identified as “special” tends to corrupt the meaning of the word.⁶¹
- ☐ The manner in which the special needs of certain children are taken into account when determining whether or not they are psycho-socially adoptable is not always clear.⁶²

Ideas for further consideration

- ⇒ Considering the child's special needs in depth in order to determine whether he or she is psychologically and socially adoptable, and what his or her short and long-term prospects for alternative placement are.⁶³
- ⇒ Discussing whether there is a need to establish (at the national level) a clear definition of “special needs children” and, consequently, whether a definition should be included in domestic legislation or otherwise.

Ensuring that all procedures used for the adoption of SNCs comply with the 1993 HC

What are the main concerns raised?

- ☐ The use of special measures to promote the adoption of SNC seems to be a necessity, mainly for States of origin, a majority of which tend to develop strategies in this area.⁶⁴
- ☐ AABs often appear to be the primary partners of States of origin in relation to the implementation of such special measures. However, they do not always seem to be specialists in this area.⁶⁵
- ☐ The impact of the use of special measures on the increase in the number of SNC placed internationally has not yet been evaluated.⁶⁶
- ☐ In certain cases, special measures may not comply with all the safeguards for matching recognised in the good practices established under the Convention.⁶⁷

Good practices already recognised

- ✓ Recalling the minimum safeguards to be implemented in connection with the matching procedure, and the importance of matching each SNC with an appropriate family.⁶⁸
- ✓ Confirming the importance of co-operation in order to facilitate the adoption of SNC within the limits of the roles and responsibilities delegated to each body.⁶⁹

Ideas for further consideration

- ⇒ Discussing whether there is a need to establish specific procedures for the adoption of SNC.
- ⇒ Considering ways of securing and supporting AABs to become specialists in the field.

Taking the child's special needs into consideration at every stage

What are the main concerns raised?

- ☐ Children's medical and psychological evaluations are not always up-to-date and may contain incomplete or even erroneous information.⁷⁰
- ☐ Children's special needs are not always taken into account during their preparation for adoption.⁷¹
- ☐ PAPs about to adopt a SNC are not always assessed beforehand to ensure their suitability, nor trained for their specific adoption plan throughout the process.⁷²
- ☐ The availability of specific services for the monitoring of adopted SNC is not always regarded as a necessity, and has seen little development so far.⁷³

Good practices already recognised

- ✓ Reiterating the importance of the information contained in the report on the child including, in particular, the items relating to medical and psycho-social aspects.⁷⁴
- ✓ Recalling that PAPs about to adopt a SNC need to be provided with special assistance throughout the process,⁷⁵ as well as subsequent to the adoption.

Ideas for further consideration

- ⇒ Recognising the essential nature of the selection of PAPs according to specific criteria.⁷⁶
- ⇒ Identifying good practices relating to the preparation of SNC and those relating to the preparation of the PAPs about to adopt them.
- ⇒ Considering whether there is a need for development of specialist post-adoption services in receiving States, or for adapting existing services by also making them more accessible.

Open adoption

The term "open adoption" has numerous meanings. It can refer to situations where there is an exchange of information or contact between the adoptive family and the family of origin. Even though in certain States adoption procedures have been and remain closed, other States already practice, or are increasingly contemplating practicing, this kind of adoption.

What are the main concerns raised?

- ☒ The requirements of Article 29 of the 1993 HC are not always observed.
- ☒ For most States, the concept of open adoption remains unfamiliar or unclear, or is even confused with other related concepts.⁷⁷
- ☒ There is still very little regulation of open adoption despite the ban mentioned by certain States and the growing interest in this kind of adoption in a minority of other States.⁷⁸
- ☒ There is little recording of ICAs involving open elements, and therefore this phenomenon is difficult to assess.⁷⁹

Rules and good practices already recognised

- ✓ Ensuring that there is no contact between the PAPs and the child's parents or any other person who has care of the child until the requirements of Article 4(a) to (c) and Article 5(a) have been met, unless the adoption takes place within a family or unless the contact is in compliance with the conditions established by the competent authority of the State of origin (Art. 29 of the 1993 HC).
- ✓ Where appropriate and permitted, the family of origin and the adoptive family might exchange information once the child has been adopted.⁸⁰

Ideas for further consideration

- ⇒ States are invited to share their good practices and challenges connected with open adoptions.
- ⇒ Discussion might also take place regarding whether open adoption can be contemplated for certain profiles of children and, in particular, older children.⁸¹
- ⇒ Consideration might also be given to the support methods and counselling required for such adoptions.
- ⇒ The desirability of collecting information about completed adoption procedures involving open elements might also be evaluated.

Breakdown (Disruption) of ICAs

See also [Guide No 1, chapter 9.4](#).

What are the main concerns raised?

- ☒ Inappropriate evaluation, preparation and reporting procedures and methods, as regards both the child and the PAPs, remain the main causes of the failure of certain ICAs.⁸²
- ☒ The circumstances surrounding the acceptance by the PAPs of the proposed match, as well as the meeting between the PAPs and the child, are not commonly identified as factors which can potentially lead to the breakdown of the ICA.⁸³
- ☒ There is little determination of the points at which, once an adoption decision has been made, the adoption is more likely to fail.⁸⁴
- ☒ There is, in general, little formalisation of mechanisms which facilitate the reporting of breakdowns and thus often no systematic and co-ordinated intervention by the competent authorities.⁸⁵
- ☒ The measures taken to prevent the failure of ICAs tend to be direct responses to the main risk factors identified, but there is little integration of these measures into a comprehensive response system.⁸⁶
- ☒ Communication and co-operation between the receiving State and State of origin to prevent and respond to the failure of certain ICAs are contemplated by only a minority of States.⁸⁷

Rules and Good practices already recognised

- ✓ The 1993 HC provides for the procedure applicable if the placement of a child fails before the ICA has been completed, but not afterwards.⁸⁸
- ✓ Risks of failure are mitigated when the evaluation and preparation of the PAPs, as well as the matching process, have been performed in a professional and appropriate manner,⁸⁹ and when the child's preparation has also been performed adequately.⁹⁰
- ✓ Post-adoption monitoring facilitates identification of the difficulties connected with an ICA and the implementation of support and protective measures which are required to be established in the receiving State.⁹¹
- ✓ Communication between the Central Authorities of the receiving State and State of origin is desirable in the event of a breakdown of an ICA.⁹²

Ideas for further consideration

- ⇒ The need to identify good practices with respect to the reporting of the breakdown of ICAs might be discussed, as well as the need to implement a comprehensive response system at the national level.

Post-adoption

See also *Guide No 1, chapter 9* and *Guide No 2, chapter 11.3*.

Co-ordinating and developing more specialised monitoring services

What are the main concerns raised?

- ☐ Not all receiving States offer post-adoption monitoring services and, amongst those that do, few have established comprehensive monitoring starting at the time of the PAPs return to the State with the child.⁹³
- ☐ A minority of receiving States have been able to develop specialised post-adoption monitoring services but these receive little support from public services.⁹⁴
- ☐ The way in which information relating to the offer of post-adoption services is centralised and circulated to adoptive parents remains unclear.⁹⁵

Rules and good practices already recognised

- ✓ Recalling the obligation for States to promote counselling and post-adoption services (Art. 9),⁹⁶ and the role of AABs in this area.⁹⁷

Ideas for further consideration

- ⇒ Implementing the guidelines established in this area⁹⁸ and promoting the exchange of good practices between States.
- ⇒ Discussing the desirability, or otherwise, of setting up specialised services or adapting existing services as part of the support system provided to families after adoption.
- ⇒ Considering how post-adoption services might be co-ordinated and how information might be made more accessible to families with adopted children.

Reinforcing mutual trust with respect to the development and transmittal of reports

What are the main concerns raised?

- ☐ A wide variation in the requirements of States of origin with respect to the number of reports and the duration of their transmittal may raise questions as to the objective and shared interest connected with this practice.⁹⁹
- ☐ The requirements concerning the contents of post-adoption reports are not always defined. However, trends emerge in terms of the main topics which States consider should be included in these reports.¹⁰⁰
- ☐ Receiving States may not have the ability to compel systematic observance of the post-adoption reporting obligations established by States of origin.¹⁰¹
- ☐ The sanction mechanisms put in place by certain States of origin when their requirements are not respected can appear somewhat arbitrary.¹⁰²
- ☐ The reports are not often used for analysis and action.¹⁰³

Good practices already recognised

- ✓ Recalling that receiving States ought to encourage compliance with the requirements of States of origin regarding post-adoption reports.¹⁰⁴ Likewise, States of origin ought to limit the period during which post-adoption reports are required, thereby acknowledging mutual trust, the cornerstone of co-operation under the Convention.¹⁰⁵
- ✓ Recalling the need to strike a balance between the supervision of ICAs and respect for the adoptive family's private life, and the importance of taking into account the child's best interests at all times.¹⁰⁶
- ✓ Recalling that after an ICA, protection of the child is a matter for the receiving State, which ought to be trusted in its ability to discharge its duty.¹⁰⁷

Ideas for further consideration

- ⇒ Considering whether there is a need to establish alternative methods to ensure medium and long-term follow-up of the family.

Formalising and structuring measures connected with origin searches

What are the main concerns raised?

- ☐ The duration of information preservation does not seem to be regulated in a majority of States.¹⁰⁸
- ☐ The information, in its entirety, is not always centralised and, in addition, it is sometimes in the sole possession of private bodies.¹⁰⁹
- ☐ Although a majority of States have laws or practices with respect to access to information, few make a distinction between the disclosure of identifying and non-identifying information.¹¹⁰
- ☐ A minority of States seem to provide general assistance after the disclosure of information, and such assistance is provided by private bodies in most cases.¹¹¹
- ☐ Few States have developed practices or procedures in the area, and / or integrated the topic into the preparation of PAPs.¹¹²

Rules and Good practices already recognised

- ✓ Recalling the importance of preserving records and access to information,¹¹³ in so far as permitted by domestic laws and regulations relating to data protection (Arts 9 and 30),¹¹⁴
- ✓ Reiterating the importance of counselling services for post-adoption monitoring, including in connection with origin searches (Art. 9).¹¹⁵
- ✓ Promoting preservation of the link between the child and the State of origin.¹¹⁶

Ideas for further consideration

- ⇒ Discussing the benefits and risks associated with the use of new technologies for origin searches (see Info. Doc. No 1).¹¹⁷
- ⇒ Evaluating the need for guidelines and identification of good practices in this area.

The tools developed

Promoting use of the recommended model forms

At the meeting of the 2005 Special Commission, two model forms were approved by participating States. Yet most of the States report that they do not use them:

The Model Form for the statement of consent to the adoption ...

- contains the essential points to be considered with a view to obtaining the necessary consents to the ICA from the persons, institutions and authorities.¹¹⁸

The Model Form for the child's medical report and its supplement ...

- contains the important medical and psycho-social information concerning the child to be obtained by a physician and other authorised professionals.¹¹⁹

Developing and finalising other suggested model forms

At the meeting of the 2005 Special Commission, the participating States recommended the development of other model forms:¹²⁰

A model form for the statement of the child's consent to the adoption ...

- adapting the general model form for the purpose of obtaining the child's consent.

A model form for the report on the child ...

- collecting the main information concerning the child to be obtained by the various professionals in connection with the preparation of his or her adoption file.¹²¹

A model form for the report on the PAPs ...

- collecting the main information concerning the PAPs to be obtained by the various professionals in connection with preparation of their application file.¹²²

A model form relating to the post-adoption report on the child ...

- specifying the main information to be obtained in a post-adoption report following the ICA of a child.¹²³

Topics for the Special Commission 2015

The discussions may touch on the following topics:

1. **Counselling and preparation of children for ICA, including SNC:**
 - Evaluate the need to draw together good practices in this area.
 - Consider the opportunities for co-operation between receiving States and States of origin in this area.
2. **Selection, counselling and preparation of PAPs, in particular those about to adopt SNC:**
 - Discuss the desirability of establishing guidance in order to determine which aspects of the preparation of PAPs might be considered compulsory.
 - Evaluate the need to supplement good practices in this area with a section relating to management of the waiting period.
3. **Procedures to be established for the adoption of SNC:**
 - Evaluate the need to establish specific measures for the placement of SNC.
 - Discuss what additional guidance could be given in order to ensure that adoptions are undertaken in the best interests of the child.
4. **Post-adoption counselling and monitoring:**
 - Consider how good practices relating to post-adoption counselling and monitoring might be implemented more effectively.
 - Evaluate the need to develop specialist counselling services for post-adoption monitoring.
 - Discuss the desirability of establishing guidelines relating to the use of new technologies, in particular for origin searches.
5. **Breakdown (disruption) of the adoption:**
 - Consider the best way of documenting and analysing cases in which ICAs breakdown, in order to, amongst other things, prevent them.
 - Evaluate the need to identify good practices with respect to responses to breakdowns.
6. **Open adoption (topic on the agenda for Wednesday 10 June 2015):**
 - Consider how this type of adoption might be beneficial for certain children, while complying with the safeguards under the Convention.

Questions for participants to consider in preparation for the Special Commission meeting

Having regard to the foregoing, the participants are invited to consider the following matters, which may be raised at the meeting of the Special Commission:

Challenges & good practices

- What challenges has your State encountered, or does your State continue to encounter, with respect to the topics listed on the previous pages, and what good practices have been developed in this area?

Model forms

- What methods would you recommend to promote the existing Model Forms and encourage their use by the greatest possible number of States?
- Do you agree that there is a need for the development of the four new model forms as presented on the previous page?
- If so, what is your view of the draft model forms submitted by the Permanent Bureau (Prel. Doc. No 5), and what methods would you recommend for finalisation of these new tools?
- If not, do you have other suggestions?

Future work

- What is your view of the need to set up a group of experts to:
 - finalise the new model forms?
 - consider the development of a Note or a Guide to Good Practice (as recommended by the 2010 Special Commission, Recommendation No 10) in connection with the topics listed?
- If you consider there is a need to establish such a group of experts, what should be the order of priority given to the work (taking into account the other projects relating to ICA)?
- If you do not consider that such a group should be established, do you have other suggestions for next steps in this area?

Further reading

All documents mentioned below are available at < www.hcch.net > in the specialised "Intercountry Adoption Section":

- Endnotes to this Fact Sheet: see the more detailed analysis in these endnotes of each concern raised and the good practices established by States.
- States' responses to the 2014 Country Profiles: see questions 9, 10, 11, 14.2, 15, 17, 26, 27 and 28 (receiving States) and 9, 10, 11, 12, 13, 14, 20, 31 and 32 (States of origin).
- States' replies to Questionnaire No 2: see questions 1 to 21.
- Guides to Good Practice No 1 (Chapters 2, 6 to 9, and Annexes 2, 3 and 7), and No 2 (Chapters 5, 7, 10 and 11).
- Conclusions and Recommendations of the meetings of the Special Commissions of 2000 (Nos 3, 5 and 12 to 14), 2005 (Nos 6, 7, 12 to 15 and 18), and 2010 (Nos 8 to 10 and 27 to 29).
- Thematic fact sheets of the International Social Service (ISS): see sheets Nos 12, 26, 27, 44, 45 and 48 (available at <www.iss-ssi.org> under Resources, Documentation and Training).

ENDNOTES

Background

- ¹ 20 Years of the 1993 Hague Convention - Assessing the impact of the Convention on Laws and Practices relating to Intercountry Adoption and the Protection of Children (Prel. Doc. No 3 of May 2015 for the attention of the Special Commission of June 2015 on the practical operation of the *Hague Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption*) para. 23 and Annex A. All the documents relating to international adoption drawn up by the Hague Conference and mentioned in this fact sheet are available on the Conference's website at <www.hcch.net> in the "International Adoption" Section.
- ² See Country Profiles on the 1993 Hague Intercountry Adoption Convention for States of origin and for receiving States (hereinafter "Country Profile - SO 2014" and "Country Profile - RS 2014", respectively), and "Questionnaire on the practical operation of the practical operation of the 1993 Hague Intercountry Adoption Convention" (Prel. Doc. No 2 of October 2014 for the attention of the Special Commission of June 2015 on the practical operation of the *Hague Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption* (hereinafter "Q2")).
- ³ This fact sheet highlights certain concerns and good practices, but is not intended as a comprehensive review of the various theories connected with the issues considered.

Protection of the rights of the family of origin

- ⁴ See Hague Conference on Private International Law, *The implementation and operation of the 1993 Intercountry Adoption Convention: Guide to Good Practice No 1*, Family Law (Jordan Publishing (hereinafter "Guide to Good Practice No 1")), and Hague Conference on Private International Law, *Accreditation and Adoption Accredited Bodies: General Principles and Guide to Good Practice No 2*, Family Law (Jordan Publishing (hereinafter "Guide to Good Practice No 2")).
- ⁵ See *supra* note 2.
- ⁶ While all States of origin report that they inform / support the family of origin regarding the consequences of adoption, only a few States report providing psychological assistance (Colombia, Dominican Republic) and / or providing counselling about alternative solutions (Guatemala, Philippines). See the States' replies to question 12 (b) (i) of Country Profile - SO 2014.
- ⁷ Almost all States of origin report requiring consent from the parent or parents when one or both parents are known and alive, sometimes even if either or both parents have been deprived of their parental rights. However, only half the States clearly specify both the authority before which consent is to be given and the form it is to take. It should be noted that formal and signed consent, received or recorded in writing and given before an authorised administrative or judicial public agency provides the best security. See the States' replies to questions 12 (a) (i), (ii), (iv), 12 (b) (ii) and 12 (c) of Country Profile - SO 2014.
- ⁸ The "good practice recognised already" reported in this Fact sheet is based on:
 - 1) the Conclusions and Recommendations of meetings of the Special Commissions on the practical operation of the 1993 Hague Convention of 2000 ("Report and Conclusions of the Special Commission on the practical operation of the 1993 Hague Convention (28 November - 1 December 2000)" (hereinafter "C&R of 2000 SC"); 2005 ("Conclusions and Recommendations of the Special Commission on the practical operation of the 1993 Hague Convention (17 - 23 September 2005)" (hereinafter "C&R of 2005 SC"); and 2010 ("Conclusions and Recommendations of the Special Commission on the practical operation of the 1993 Hague Convention (17 - 25 June 2010)" (hereinafter "C&R of 2010 SC");
 - 2) the Conclusions and Recommendations of the Dakar Seminar 2012 ("Conclusions and Recommendations of the workshop on the Hague Intercountry Adoption Convention and its implementation in Francophone countries of origin in Africa and the Caribbean (Dakar - Senegal, 27-30 November 2012)" (hereinafter "C&R of Dakar Seminar 2012"); and
 - 3) the Guides to Good Practice, *supra*, note 4.
- ⁹ See Guide to Good Practice No 1, para. 49 and chapter 6.

¹⁰ *Ibid.*, para. 3 and 4. See also C&R of 2000 CS, Recommendation No 3.

¹¹ See Guide to Good Practice No 1, para. 268.

¹² *Ibid.*, chapters 2.2.3.1 and 7.2.2.

¹³ *Ibid.*, Annex 7-2. See also C&R of 2000 CS, Recommendation No 5.

The child's life plan

¹⁴ In more than half the cases, the authority in charge of determining the child's best interests is also in charge of determining his or her adoptability. While almost all States of origin list specific criteria for determination of a child's adoptability, it appears that only a few States report taking the child's medical, psychological and social adoptability into account, in addition to his or her legal adoptability (Albania, Burkina Faso, China (Hong Kong SAR), Dominican Republic, Ecuador, Guatemala, Haiti, Madagascar, Mexico, Philippines). It is interesting to note that, in parallel, more than half the receiving States report having no criteria in addition to those considered by the States of origin to recognise the child's adoptability. See the States' replies to questions 10 (a), (b), (c) and 11 (b), (c) of the Country Profile - SO 2014, and 9 of Country Profile - RS 2014. See also the States' replies to question 4 of Q2.

¹⁵ Roughly two-thirds of the States of origin report taking the child's opinion into consideration with respect to his or her adoption and / or supporting it in that process, with more or less well-established mechanisms. Age, the sole consideration for a minority of States, becomes a more important factor when the issue is obtaining the child's consent, and this age varies from 9 to 15, with an average of 11 years. Few States, however, make a clear-cut distinction between obtaining the child's opinion or consent to the adoption, as an integral part of determination of his or her adoptability, and obtaining the child's opinion or consent to a specific adoption, as a factor to be taken into account in connection with the decision concerning his or her adoption (China (Hong Kong SAR), Guatemala, Lithuania, Romania). In addition, few States report taking the child's consent into account when determining his or her adoptability (Albania, China (Hong Kong SAR), Mexico). See the States' replies to questions 10 (b) and 12 (d), (e) of Country Profile – SO 2014.

¹⁶ While over half the States report not encountering difficulties with respect to the statement of the child's adoptability, certain receiving States nonetheless stress that the information leading to that outcome does not always appear clearly in the dossiers (Belgium (Flemish Community), Canada (Provinces of Ontario (Ont.) and Quebec (Que.)), Germany, Ireland, New Zealand, Sweden), especially when dealing with non-Contracting States (Denmark, France, Spain). Some States of origin and receiving States also stress that the procedure is sometimes time-consuming (Chile, Haiti, Norway, Viet Nam). See the States' replies to question 3 (a) of Q2.

¹⁷ As regards application of the subsidiarity principle, almost all the States of origin report working at the first level of subsidiarity (priority of reintegration in the family of origin or extended family), and at the second level of subsidiarity (primacy of domestic foster care, in various forms), while reporting more or less well-established procedures. It is interesting to note that only a few States of origin have included time as a dimension in their procedures, whether for the first level (Albania, Chile, China (Macao SAR), Madagascar, Togo), the second (China, Slovakia) or both (Bulgaria, Czech Republic, Lithuania, Moldova, Romania). See the States' replies to questions 10 (b), (c) and 11 (a), (c) of Country Profile - SO 2014.

¹⁸ See Guide to Good Practice No 1, para. 324 and 325. See also C&R of Dakar Seminar 2012, Recommendation No 8.

¹⁹ See Guide to Good Practice No 1, para. 80, 84 and 329. See also C&R of Dakar Seminar 2012, Recommendation No 1.

²⁰ See Guide to Good Practice No 1, chapter 2.1.3.

²¹ *Ibid.*, chapter 2.1.1. See also C&R of 2005 SC, Recommendation No 14, and C&R of Dakar Seminar 2012, Recommendation No 1.

²² While a minority of States report not preparing the child for adoption, the majority report starting that preparation begins after matching. Even though half a dozen States specify that they prepare the child both after taking a statement of adoptability and after matching, only a few seem to have developed a comprehensive training programme (Chile, Colombia, Lithuania, Philippines). See the States' replies to questions 12 (d) and 14 of Country Profile - SO 2014.

²³ Among the States reporting that they prepare the child for adoption, fewer than a dozen specify that they take the child's age and / or degree of maturity into account (Armenia, Bulgaria, Chile, China, China (Hong Kong SAR), Colombia, Lithuania, Philippines, Romania, Slovakia, United States). See the States' replies to questions 14 of Country Profile - SO 2014, and 7 of Q2.

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- ²⁴ While most of the States of origin and receiving States do not raise any particular issues in connection with preparation of the child, certain receiving States nonetheless report that even though certain children are prepared, others are not, or insufficiently so (Australia, Belgium (Flemish and French Communities), France, Germany, New Zealand, Spain). See the States' replies to question 7 of Q2.
- ²⁵ See Guide to Good Practice No 1, para. 80.
- ²⁶ See ISS, "A global policy for children and the family - Provisional protective measures: the child's lifebook", Thematic fact sheet No 12, May 2006 (hereinafter "ISS thematic fact sheet No 12"). All thematic fact sheets cited in this document are available at <www.iss-ssi-org>.
- ²⁷ *Loc. cit.* See ISS, "Adoption - preparing the child for adoption", Thematic fact sheet No 26, May 2006 (hereinafter "ISS thematic fact sheet No 26"). See also "Guidelines for the Alternative Care of Children", approved pursuant to Resolution A/RES/64/142 of 24 February 2010 adopted by the General Assembly of the United Nations, available at the address <http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/64/142>.
- ²⁸ See ISS Thematic fact sheets No 12, 26 and 44.
- ²⁹ While three-quarters of the States of origin specify the means used in connection with preparation of the child, few seem to have developed a method (Chile, Colombia, Lithuania, Philippines). In addition, the contents of that preparation appear to be very uneven, with few States handling all, or almost all, of the following factors: explanation of the adoption procedure and its duration, presentation of the features of the prospective adoptive family, preparation for the cultural and linguistic change and psychological support, especially at the time of separation (Chile, China (Hong Kong SAR), Colombia, Lithuania, Philippines). A few States of origin and receiving States also stress the use of audiovisual resources and / or modern technologies in connection with the child's preparation (Australia, Chile, Madagascar, Philippines, Togo). See the States' replies to questions 14 of Country Profile - SO 2014, and 7 (b) of Q2.
- ³⁰ Whereas a majority of States of origin and receiving States stress the importance of the method, a few have pointed out the importance of the staff in charge of the process. While most of the States of origin report that the preparation is performed by professionals, sometimes specifying their private or public nature and / or the fact that they know the child already or not, few States report specific training targeted towards those professionals (Burkina Faso, Lithuania, Philippines). See also the States' replies to questions 14 of Country Profile - SO 2014 and 7 of Q2.
- ³¹ Only one-third of the States of origin report have set up a socialising or bonding period during which the child is prepared for departure (Chile, China (Hong Kong SAR), Colombia, Guatemala, Lithuania, Mexico). See the States' replies to question 14 of Country Profile - SO 2014.
- ³² Only two receiving States report that, where necessary, the adoption accredited bodies ("AABs") concerned may collaborate with States of origin in connection with preparation of the child (Belgium (Flemish and French Communities), Spain). See the States' replies to question 7 of Q2.
- ³³ See ISS Thematic fact sheets No 12 and 26.
- ³⁴ See ISS; "Intercountry Adoption - preparing the child for his inter-country adoption", Thematic fact sheet No 44, September 2007 (hereinafter "ISS Thematic fact sheet No 44").
- ³⁵ *Ibid.*

The adoption plan of the prospective adoptive parents ("PAPs")

- ³⁶ Almost all the receiving States report evaluating applicants for adoption before the matching. Half of them report that preparation of those applicants is carried out prior to that evaluation, in most cases on a mandatory basis. Yet only a few States specify that this preparation is an integral part of the evaluation (Australia, Canada (Provinces of Newfoundland and Labrador (NL), Ont.), Dominican Republic, New Zealand, Switzerland), and two emphasise that the main purpose of that preparation is to cause the applicants to evaluate their motivations and suitability themselves (Belgium (French Community), Denmark). One State also adds that it has developed an Information Guide about its intercountry adoption programme (Canada (Province of Saskatchewan (Sask.))). See the States' replies to questions 14.2 (b) and 15 (a) of Country Profile - RS 2014, and 8 of Q2.

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- ³⁷ Evaluations of applicants for adoption are performed by a public authority in three-quarters of the receiving States. Only a few States mention specific guidelines or a formal evaluation framework (Australia, Canada (provinces of Alberta (Alta.), NL, Nova Scotia (NS), and Ont.), China (Macao SAR), Ireland, New Zealand, United Kingdom (Scotland), United States), and three stress the need for reform of their system of evaluation of applications for adoption, in the past or currently (Andorra, Canada (Que.), Denmark). See the States' replies to questions 14.2 (a), (b) of Country Profile - RS 2014, and 2 and 8 of Q2.
- ³⁸ Whereas a majority of receiving States report taking the psycho-social aspects of applicants for adoption into account, through evaluation criteria and / or the qualification of the persons in charge of that evaluation, a number of States of origin stress that these aspects are not sufficiently reflected in the applicants' dossiers. In this respect, one State of origin specifies that it provides its partners with a form relating to the psycho-social evaluation of prospective adoptive parents (Mexico). It is interesting to note that the appropriate format to report the psycho-social evaluation is sometimes an issue between States of origin and receiving States (Germany, Norway). However, one receiving State reports that the growing demands of States of origin regarding the psychological evaluation of prospective adoptive parents have reinforced its ability to perform more comprehensive evaluations (Australia). See the States' replies to questions 14.2 (b) of Country Profile - RS 2014, 18 of Country Profile - SO 2014, and 8 and 10 (b) of Q2.
- ³⁹ The vast majority of receiving States explain that the evaluation of applicants for adoption relies mainly on a general basis. However, a large number of States of origin regret not finding reflected, in the dossiers transmitted, the information relating to evaluation of the applicants' suitability and their preparation for adoption of a particular kind of child in their specific State. Only a few receiving States report having developed processes to make the evaluation transmitted meet the particular requirements of States of origin, either through a direct evaluation according to a specific State of origin (Andorra, Ireland, New Zealand), or by performing an initial general evaluation, supplemented by a specific evaluation once the State of origin has been selected (Belgium (French Community)). It should be noted that the absence of harmonisation of requirements among the States of origin makes this task difficult for certain States. See the States' replies to questions 15 (a), (b) of Country Profile RS 2014, and 2, 8, 10 (a), (b), 11 and 12 of Q2.
- ⁴⁰ While a number of States of origin disclose the number and / or profiles of adoptable children in their States (Albania, Armenia, Bulgaria, Burkina Faso, Chile, Colombia, Haiti, Lesotho, Lithuania, Madagascar, Moldova, Peru, Philippines, Romania, United States, Viet Nam), a few receiving States consider that in general, they do not receive sufficient information about the profiles of internationally-adoptable children and that this hinders preparation of the prospective adoptive parents. However, other receiving States highlight the processes established to obtain better information concerning the reality of intercountry adoption, either by means of a prior evaluation of the needs of potential partner States (Belgium (Flemish and French Communities), Sweden) or by developing and continuing to maintain relations with existing partners (Andorra, Finland, Ireland, Netherlands, Spain). It should be noted that constant updating of the knowledge and skills of professionals in this area remains a challenge, from the point of view of both receiving States and States of origin. See the States' replies to questions 1, 2, 8, 11, 14 (a) and (b) of Q2.
- ⁴¹ The word "eligible" refers to legal requirements, and the word "suitable" refers to the necessary psycho-social qualities. See Guide to Good Practice No 1, chapters 7.4.1 and 7.4.3, and Guide to Good Practice No 2, chapter 11.1.2. See also G. Parra-Aranguren, Explanatory Report on the 1993 Hague Intercountry Adoption Convention, in Hague Conference on Private International Law, Proceedings of the Seventeenth Session (1994), tome II, Adoption - co-operation, The Hague, SDU, 1994, pp. 539 to 651 (hereinafter the "Explanatory Report"), para. 180.
- ⁴² See Guide to Good Practice No 1, para. 404. See also C&R of 2005 CS, Recommendations No 12 and 13.
- ⁴³ See Guide to Good Practice No 1, chapters 6.4.5 and 7.4, and Guide to Good Practice No 2, chapter 11.
- ⁴⁴ See ISS, "Adoption - preparing the prospective adoptive parents", Thematic fact sheet No 27, December 2006 (hereinafter "ISS Thematic fact sheet No 27"). See also C&R of Dakar Seminar 2012, Recommendation No 10.
- ⁴⁵ As regards the development of further good practice in this area, see C&R of 2010 CS, Recommendation No 10.
- ⁴⁶ In roughly three-quarters of receiving States, the reports on the prospective adoptive parents are drafted and updated by a public authority. In the larger number of those States, those reports are valid for two to four years, but roughly a third of States report that these reports' validity is unlimited in duration, or that they are updated at the request of the State of origin. In parallel, a number of States of origin stress that the information entered in the reports is frequently not up to date, does not reflect the progress of their preparation for adoption, and does not contain all the information required for the matching decision. A few receiving States report, however, having set up a regular procedure for re-evaluation of the suitability of prospective adoptive parents (Australia, Belgium (Flemish and French Communities), Canada (Ont., Que.), Denmark, Ireland, New Zealand), and one State stresses

that prospective adoptive parents are required to confirm their motivation on a yearly basis (France). See the States' replies to questions 17 (a), (c), (d) of Country Profile - RS 2014, and 8 of Q2.

- ⁴⁷ Few receiving States specify that prospective adoptive parents are prepared for the waiting period from the time of initial training (Denmark, Germany). While several States report performing regular monitoring, a few States report that, during this period, the prospective adoptive parents may take part in support or training activities, such as events, meetings or additional training courses, on various topics, including the chosen State of origin (Andorra, Belgium (Flemish and French Communities), Finland, France, Germany, Ireland, Norway). One State describes the waiting period as a preparation period (New Zealand). It should be noted that these optional activities are usually at the initiative of the prospective adoptive parents. See the States' replies to questions 15 (a), (b) of Country Profile - RS 2014, and 8, 13 (b) of Q2.
- ⁴⁸ All the receiving States report that the period between evaluation of the applicants and the transmittal of their dossier to the State of origin is fairly brief. However, several receiving States stress that the period between the transmittal of that dossier and the matching proposal is rather long, even though this varies among States of origin. A few receiving States specify that they do not suffer this long wait, because either they have few applicants in practice (Finland, Monaco, Peru), or they transmit few dossiers to the States of origin, or more dossiers if they deem it necessary (Denmark, France, Luxembourg (Naledi), Norway). See the States' replies to question 2 of Q2.
- ⁴⁹ Several receiving States report that the States of origin do not always provide information about the number and features of adoptable children in their States (Canada (Ont., Que.), Germany, Norway, United States). A few States also regret the lack of communication by certain States of origin regarding any estimated delays in the adoption procedure in their States, and the possible outcomes of that procedure (Germany, New Zealand). This lack of transparency may make the management of the dossiers of applicants for adoption and their wait more difficult. One receiving State, however, reports performing regular follow-up with the State of origin concerned when the expected period seems to lengthen (Australia). See the States' replies to questions 2, 13 (b) and 22 of Q2.
- ⁵⁰ See Guide to Good Practice No 1, chapter 7.4.3. See also C&R of 2010 CS, Recommendation No 14.
- ⁵¹ See C&R of 2010 CS, Recommendation No 8.
- ⁵² While roughly four-fifths of States report preparing prospective parents for adoption, usually on a mandatory basis, only a little more than a dozen seem to have established a curriculum with a specific course duration (Australia, Canada (Provinces of British Columbia (BC), New Brunswick (NB), NL, NS, Ont.), Belgium (Flemish and French Communities), Czech Republic, Denmark, Dominican Republic, Ireland, Luxembourg, Netherlands, Sweden, Switzerland, United Kingdom (Scotland), United States). Two States specify that their Central Authority or one of their AABs has developed or is currently developing a training course in an electronic format (Canada (Provinces of Prince Edward Island (PEI), Que.), New Zealand). In addition, the contents of that curriculum seldom include preparation for a specific State of origin. That specific preparation is offered, however, on an optional basis, in a majority of those States, and in others (Canada (Ont., Que.), France, Germany, Norway, New Zealand, Spain). See the States' replies to questions 15 (a), (b) of Country Profile - RS 2014, and 2, 12 of Q2.
- ⁵³ Among the receiving States reporting preparation of the prospective adoptive parents, few specify having established preparation between the proposal to adopt the child and the departure to the State of origin (Australia, Belgium (French Community), Denmark, Turkey, United States). Certain States stress, however, that services are available to parents wishing to obtain a medical opinion about the dossier of the proposed adopted child (Australia, France, Spain, United States). See the States' replies to questions 15 (a), (b) of Country Profile - RS 2014, and 4, 5 (b), 11, 12, 13 (b), 15 (b) of Q2.
- ⁵⁴ Among the receiving States having developed mandatory training courses including a curriculum with a specific duration, only a few have delegated that responsibility to the AABs or other approved persons (Czech Republic, Netherlands, United States). While most States stress that additional training is usually delegated to AABs, the way in which it is co-ordinated and supervised by the competent public authorities is rarely explained. One receiving State points out, however, the importance of co-ordination among the various players (France). See the States' replies to questions 15 (a), (b) of Country Profile - RS 2014, and 2 of Q2.
- ⁵⁵ Two States of origin stress that the socialising and bonding period in the State is an opportunity for the professionals in that State to prepare the parents for the specific features of the matched child (Colombia, Mexico). See the States' replies to questions 14 of Country Profile - SO 2014, and 18 (c) of Q2.
- ⁵⁶ See Guide to Good Practice No 2, chapter 11.2.1, and ISS Thematic fact sheet No 27. See also C&R of 2010 CS, Recommendation No 9.

⁵⁷ See Guide to Good Practice No 2, chapters 5.1.2, 11.1.1, 11.1.2, 11.2.1, and 11.2.5.

⁵⁸ *Ibid.*, chapter 7.4, annexes 2-4 and 3-3.

⁵⁹ See ISS "Intercountry Adoption - The preparation of prospective adoptive parents, the assistance in the country of origin, and the adoption order", Thematic fact sheet No 45, September 2007 (hereinafter "ISS Thematic fact sheet No 45").

Children with special needs ("SNCs")

⁶⁰ While a few States of origin report defining special needs children solely by the fact that they are difficult to place (Bulgaria, Philippines, Romania), the vast majority of States of origin specify their criteria for determining which are special needs children. Only a few have included these criteria in guidelines or regulations (Burkina Faso, Chile, Colombia, Peru). In parallel, half the receiving States report having no criteria for determining that a child has special needs other than those defined by the States of origin they partner. All but one (Switzerland) of the other half of those States rely on practice rather than an official definition. See the States' replies to questions 13 (a) of Country Profile - SO 2014, 11 of Country Profile - RS 2014, and 14 (a) of Q2. As regards the features of special needs children, see also Guide to Good Practice No 1, para. 386.

⁶¹ The criteria whereby States determine which children have special needs appear to be numerous and diverse, but may be divided into three main categories: 1) roughly three-quarters of States of origin mention the child's advanced age as a criterion. However, this may range from age three (China) to adolescence (Colombia, Peru), with a majority of States considering that six is the age after which children are to be regarded as having special needs. In parallel, two-thirds of receiving States which report having carried out adoptions of special needs children mention the child's age as the main criterion; 2) fewer than half the States of origin stress the fact that the child belongs to an inseparable sibling group as a criterion. Certain States start to take that criterion into consideration at three children (Colombia, Hungary, Lithuania, Slovakia), or combine it with the age criterion (Colombia, Madagascar, Moldova). In parallel, only a third of the receiving States reporting having carried out adoptions of special needs children mention the child's belonging to an inseparable sibling group as a major criterion; 3) all States of origin and receiving States consider the issue of health as essential for definition of a special needs child. Whereas a few States take into consideration certain curable or operable conditions and certain minor disabilities, most States tend to consider that special needs children are those suffering from a serious disorder, a major physical or mental disability and / or delayed development. A few States also stress psycho-social issues (Australia, Canada (BC, NB, NS, Sask.), Chile, Germany, Haiti, Ireland, Madagascar, Netherlands, Philippines, Romania, Sweden, United States) and the risks connected with the medical history of the birth family or prenatal conditions that may affect the child (Canada (BC, Sask.), Czech Republic, Ecuador, Ireland, Moldova, Slovakia). See the States' replies to questions 13 (a) of Country Profile - SO 2014, 11 of Country Profile - RS 2014, and 14 (a) of Q2.

⁶² Most States of origin report that the general profile of adoptable children frequently matches the profiles of special needs children. Yet few explain how the children's special needs are taken into consideration in the course of the procedure to determine their adoptability (Albania, China (Hong Kong and Macao SAR), Dominican Republic, Guatemala, Lithuania, Mexico, Philippines). See the States' replies to question 10 (b), (c) of Country Profile - SO 2014, and 1 of Q2.

⁶³ See ISS, "Specific cases of adoption - the adoption of children with special needs", Thematic fact sheet No 48, November 2007 (hereinafter "ISS Thematic fact sheet No 48"). See also C&R of Dakar seminar 2012, Recommendation No 11.

⁶⁴ On the basis of the statistics provided by the States of origin and receiving States, the percentage of intercountry adoptions of special needs children varies considerably from one State to another. Certain States of origin even specify the priority character of such adoptions for their States (Chile, Colombia, Lithuania, Moldova, Peru). While one State of origin considers that such an adoption does not require a special procedure (Lithuania), several States of origin report having set up particular procedures to find families for special needs children declared to be adoptable. These procedures are usually "reverse-flow" procedures (Bulgaria, Burkina Faso, Chile, China, Colombia, Dominican Republic, Madagascar, Moldova, Panama, Philippines, Togo, Viet Nam) or special programmes for older children (Colombia, Philippines). In addition, a significant number of States report handling or contemplating handing these procedures more expeditiously (Albania, Armenia, Burkina Faso, China, Colombia, Haiti, Mexico, Moldova, United States, Viet Nam). It is interesting to note that while one State reports that it promotes domestic placement also for special needs children (Peru), others report that seeking intercountry solutions is done either concurrently with a search for domestic solutions, or on a priority basis. See the States' replies to questions 13 (b) of Country Profile - SO 2014, and 14 (b), (c), of Q2.

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- ⁶⁵ Almost all the States of origin reporting seeking families for special needs children, either on a normal or on a special basis, report that they collaborate mainly with AABs (Bulgaria, Burkina Faso, Chile, China, Colombia, Lithuania, Moldova, Panama, Philippines, Togo, Viet Nam), or even specialist AABs (Peru). Yet only one receiving State reports working with AABs specialising in the adoption of special needs children (Belgium (French Community)). See the States' replies to questions 13 (b) of Country Profile - SO 2014, and 14 (c), (d) of Q2.
- ⁶⁶ Certain States of origin and receiving States report a significant increase in the percentage of intercountry adoptions of special needs children (Belgium (Flemish Community), Netherlands, Norway, Viet Nam). Yet the information collected does not allow a determination of the reason(s) for that increase. Accordingly, it is difficult to appraise the part played in this occurrence by the establishment of certain special procedures. However, certain States of origin stress that even though certain special measures have been established with some success, a larger number of special needs children declared to be adoptable are not adopted (Philippines). See the States' replies to questions 14 (b), (c), (d) of Q2.
- ⁶⁷ The implementation of special measures for the adoption of special needs children modifies the general adoption procedure and may raise certain issues:
- 1) In general, most States of origin report complying with the eligibility and suitability criteria when making the matching decision. In connection with the matching of special needs children, several States of origin and receiving States stress a measure of flexibility in relation to those criteria. However, few States of origin report undertaking a (re-)evaluation of the applicants' dossiers (Lithuania, Peru, Philippines, Viet Nam).
 - 2) In general, the matching ought to be performed by a multi-disciplinary Committee at the level of the Central Authority of the State of origin. In connection with the matching of special needs children, the role of that Committee is not always clearly stated and few States of origin report having established a procedure in which that Committee makes the final matching decision (Bulgaria, China, Lithuania, Moldova, Viet Nam). One receiving State also specifies that AABs may be involved in the matching decision for special needs children (Luxembourg (Naledi)).
 - 3) In general, the receiving States ought to ascertain the adequacy of the matching before transmitting the proposal to the prospective adoptive parents. In connection with the matching of special needs children, a few receiving States stress that the time allowed to evaluate the proposal before forwarding it to the prospective adoptive parents, and the time subsequently with them, is sometimes insufficient (Australia, Canada (Que.), Norway). See the States' replies to questions 13 (b) of Country Profile - SO 2014, and 4, 6, 14 (c), (d), 15 (a), (b) of Q2.
- ⁶⁸ See Guide to Good Practice No 1, chapters 2.1.3.3 and 7.2.5.
- ⁶⁹ *Ibid.*, chapter 7.3.3 and Guide to Good Practice No 2, chapter 5.1.
- ⁷⁰ The importance of the reports on the children is stressed by both the receiving States and States of origin. As regards special needs children, the States agree that in the vast majority of cases, supplemented and updated information about the child's health, and sometimes his or her past, is necessary. Certain States stress the importance of using video to obtain better information (Andorra, Belgium (Flemish Community), Canada (Ont., Que.), Finland, Peru, Philippines, United States). Being aware of the difficulties relating to the production of reports meeting the required standards as well as of the delays that making them compliant entails, certain States of origin have established strategies, such as the setting of a standard format (Bulgaria, Burkina Faso, Chile, China, Colombia, Dominican Republic, Ecuador, Haiti, Lithuania, Madagascar, Mexico, Moldova, Philippines, Romania, Slovakia, Viet Nam), the training of the staff in charge of drafting the reports (Madagascar), the systematic updating of the reports (Philippines), or collaboration with AABs (Chile). However, the AABs in receiving States are usually in charge of requesting supplementary information, or even covering additional costs. It should be noted that certain receiving States specify that the issue of reports is part of the initial evaluation of the partnership (Belgium (Flemish and French Communities)), or discussed with the State of origin when the issues are of a general nature (Australia, Belgium (Flemish Community), Germany, United States). See the States' replies to questions 14, 20 (b) of Country Profile - SO 2014, and 4, 5 (a), (b), 14 (c), (d) of Q2.
- ⁷¹ A few States of origin report that they take the child's special needs into account during his or her preparation, including his or her age or degree of maturity and state of health (China, China (Hong Kong SAR), Colombia, Guatemala, Lithuania, Moldova, Philippines, Romania, Slovakia). Some also stress the difficulties encountered during the preparation of older or teenaged children (Armenia, Bulgaria, Peru). A small number of States also report taking into consideration the child's psycho-social characteristics (Colombia, Lithuania, Philippines). In certain States, the duration of preparation is suited to the child's special needs (Colombia, Latvia). See the States' replies to questions 14 of Country Profile - SO 2014, and 7, 14 (d) of Q2.
- ⁷² A minority of receiving States report taking or intending to take the suitability of the prospective parents to adopt a child with special needs into account starting at the time of the evaluation (Andorra, Australia, Belgium (Flemish and French Communities), Canada (Ont, Que.), Denmark, France, Germany, Ireland, Netherlands, Spain, Sweden).

A few States specify that they organise or will organise specific preparation for prospective parents about to adopt special needs children, on an optional (France, Finland, Ireland, Luxembourg (Naledi), Netherlands, New Zealand, Spain) or mandatory basis (Australia, Belgium (Flemish and French Communities), Canada (Provinces of BC, Manitoba (Man.), NB, NL, NS, Ont)). Certain States also report having developed preparatory training for a specific kind of special needs children (Belgium (French Community), Canada (Ont), Sweden). The importance of training of the staff in charge of this training is also emphasised (Australia, Finland, Sweden). Finally, States report counselling prospective parents about to adopt a special needs child at the time of the matching proposal, including with respect to medical aspects (Belgium (Flemish and French Communities), Canada (Ont, Que.), Finland, France, Luxembourg (Naledi), Netherlands, New Zealand). See the States' replies to questions 15 (a), (b) of Country Profile - RS 2014, and 11, 14 (c), 15 (a), (b) of Q2.

⁷³ A few receiving States report that adopted special needs children are provided with the same services as all children residing in their States (Monaco, New Zealand), sometimes free of charge (Belgium (Flemish Community), Canada (Ont, Que.), Denmark, Norway, Sweden). A number of States also report performing more extensive monitoring of those children (Andorra, Germany, Ireland, Luxembourg, Monaco, Netherlands, New Zealand, Sweden). In this respect, certain States report having set up a reception on arrival of the adoptive parents with the child (Netherlands), and a system of medical referees and / or support groups (Belgium (French Community), Canada (Ont), France, Germany, New Zealand). Finally, a few States specify that the evaluation of resources and preparation of post-adoption services begin with the start of the adoption procedure for applicants for the adoption of special needs children (Australia, Belgium (Flemish Community), Canada (Ont), New Zealand, Peru). See the States' replies to questions 14 (c), (d) and 15 (c) of Q2.

⁷⁴ See Guide to Good Practice No 1, chapter 7.2.4. See also C&R of 2000 SC, Recommendation No 12.

⁷⁵ See Guide to Good Practice No 1, chapter 7.3.2 and Guide to Good Practice No 2, chapter 11.2.1.1.

⁷⁶ See ISS Thematic fact sheet No 48S.

Open adoption

⁷⁷ A little over a third of the States of origin and receiving States report being familiar with the concept of open adoption. Whereas some restrict it to the mutual disclosure of personal identification data relating to the child's family of origin and adoptive family (Lithuania, Romania), most understand this kind of adoption as involving the maintenance of communication, or even of a relationship, between the child, the family of origin in the broad sense and the adoptive family, to varying degrees. A few States also stress that open adoption is based on an arrangement between the child's family of origin and adoptive family (Australia, Canada (Ont.), United Kingdom (Scotland), United States). It is interesting to note that some States treat the concept of open adoption as similar to other kinds of adoption, such as simple adoption, direct adoption or intra-family adoption (Armenia, France, Madagascar, Slovenia). Finally, a few States note that open adoption may occur as a result of steps taken in connection with an origin search (Belgium (French Community), Denmark, Haiti, Norway, Romania). See the States' replies to questions 19 and 20 of Q2.

⁷⁸ Three-quarters of the States of origin and receiving States report that the concept of open adoption is neither defined by law nor regulated, or even not relevant in their States. Others stress that what they understand open adoption to mean is either banned, or not recommended (Andorra, Armenia, Canada (Que.), Chile, Ireland, Lesotho, Madagascar, Moldova, Netherlands). Only a few States report having integrated the concept of open adoption into their law (Canada (Ont.), Finland), or even in their preparation of prospective adoptive parents for intercountry adoption (Canada (NL, Ont.), and few encourage the practice (Australia, Canada (Ont.), Ireland, New Zealand, Slovenia). Certain States, however, have highlighted their growing interest for this kind of adoption (Australia, Denmark, Germany, Moldova, Spain). See the States' replies to questions 15 (a) of Country Profile - RS 2014, and 19, 20 of Q2.

⁷⁹ The States of origin and receiving States as a whole are unable to provide statistics or broad trends with respect to the number of intercountry adoptions involving open elements entered into with their States. Two States, however, report having initiated research projects into the issues relating to the opening of intercountry adoptions (Denmark, United States). See the States' replies to questions 20 and 21 of Q2.

⁸⁰ Guide to Good Practice No 1, para. 585.

⁸¹ See ISS Thematic fact sheet No 48.

Breakdown (disruption) of the adoption

⁸² Two-thirds of the States of origin and receiving States report that the factors having resulted in the breakdown or disruption of certain adoptions are caused prior to the matching, whether due to: 1) inadequacy in the evaluation of prospective adoptive parents' suitability or in their preparation, according to three-quarters of States; 2) an improper determination of adoptability or preparation of the child, having regard in particular to his or her age, according to half the States; or 3) insufficient development of the reports, mainly those on children, according to half the States. See the States' replies to question 18 (a) of Q2.

⁸³ While most of the receiving States and States of origin identify the factors having resulted in breakdown or disruption of certain adoptions as connected with either the specific features of the child and / or the prospective adoptive parents, or the procedure set up around them, only a few States identify inadequate management of the timing of meetings between prospective adoptive parents and the child as a further reason: certain States mention, as factors that may result in breakdown, insufficient time for reflection allowed to the prospective adoptive parents before acceptance of the matching proposal (Ireland, Madagascar, Norway) or the stage of the meeting in the State of origin (Colombia, Romania). See the States' replies to question 18 (a), (b), (c) of Q2.

⁸⁴ While a majority of receiving States and States of origin have analysed the factors that may result in breakdown or disruption of certain adoptions, few seem to have identified particular periods during which such breakdowns occur. Whereas certain cases may occur before final adoption of the child (Colombia, Philippines), cases of breakdown or disruption occur most frequently after return to the receiving State, either in the short-term (France) or in the medium- or long- term, especially during adolescence (Cyprus, Spain). It is interesting to note that several States stress that one of the main post-adoption factors that may result in a breakdown or disruption of certain adoptions is the difficulty encountered by adoptive parents in managing medical or psycho-social problems appearing or developing after the adoption (Canada (Ont), France, Germany, Ireland, Spain, United States). See the States' replies to question 18 (a), (b) of Q2.

⁸⁵ Several receiving States and States of origin report having set up certain support and / or protective mechanisms to respond to cases of breakdown or disruption of the adoption. Yet few States explain how the competent authorities identify and report such cases, whether before final adoption (Colombia, Philippines, Romania), during the specified post-adoption monitoring period (Belgium (French Community), Colombia, France, Germany, Peru, Spain), or after that period. Two States also stress that parents in difficulty report their difficulties tardily (Andorra, Spain). Finally, few receiving States and States of origin report an established comprehensive intervention system ranging from the work of reintegration in the adoptive family to alternative care to the search for another permanent care solution if the mediation fails (Belgium (French Community), Philippines). Some States report, however, that intervention is handled by the relevant social services (France, Germany, Ireland, New Zealand, Romania, Sweden). See the States' replies to questions 17 and 18 (b) of Q2.

⁸⁶ In order to prevent the breakdown or disruption of certain adoptions, more than half the receiving States and States of origin report working on mitigating the risks connected with the factors identified as being the most important and summarised, *supra*, in note 82. Roughly a quarter of States also report wishing to reinforce post-adoption support. Whereas a few States report that the comprehensive system established is intended to prevent the breakdown of adoptions (Australia, Belgium (French Community), Chile, Spain), other States specify that they perform a systematic analysis of known cases from that perspective (Canada (Ont.), Philippines). It is also interesting to note that two States have observed a correlation between intra-family adoption and the breakdown or disruption of certain intercountry adoptions (France, Philippines). See the States' replies to question 18 (a), (c) of Q2.

⁸⁷ A minority of States have pointed out the importance of communication and co-operation between receiving State and State of origin, whether to prevent the breakdown or disruption of certain intercountry adoptions (Canada (Ont, Que.), Colombia, Dominican Republic, Haiti, Madagascar, Moldova, Philippines, Viet Nam), or to respond to established cases (Belgium (French Community), Colombia, Peru, Philippines, Romania, Viet Nam). See the States' replies to question 18 (b), (c) of Q2.

⁸⁸ See Guide to Good Practice No 1, para. 603.

⁸⁹ *Ibid.*, para. 602.

⁹⁰ See ISS Thematic fact sheet No 26.

⁹¹ See Guide to Good Practice No 1, para. 612.

⁹² *Ibid.*, para. 611.

Post-adoption

⁹³ Almost two-thirds of the receiving States report having post-adoption monitoring services. Yet only a few States report having set up an institutional monitoring system applicable to all adoptions, whether in the form of one or

more visits (Belgium (Flemish and French Communities), Canada (Que.)), systematic psycho-social evaluation (Netherlands) or a specific support period (Australia, Denmark, Peru). See the States' replies to questions 28 of Country Profile - RS 2014, and 16, 17 of Q2.

- ⁹⁴ Among the receiving States reporting having post-adoption monitoring services, several stress that these are the public services of the State (Canada (Que.), Cyprus, France, Ireland, Norway, Sweden). Certain States also seem to have developed specialised services, such as the establishment of a support centre (Belgium (French Community), Canada (Sask.), Luxembourg, Netherlands), or a public counselling service (Denmark, Finland), the establishment of a paediatric examination (Belgium (French Community), Canada (Que.), France, Netherlands), or a network of health referees (Germany, New Zealand), referral to professionals specialising in adoption (Australia, Belgium (French Community), Canada (Que.), China (Hong Kong SAR)), the operation of a telephone hotline (Finland, New Zealand), provision of language assistance (Australia), or assistance by way of support groups (Belgium (French Community), China (Hong Kong SAR), Germany, New Zealand). It is important to note that certain States stress that the lack of financial resources and / or skilled human resources sometimes makes it difficult to develop post-adoption services (Andorra, Finland, Germany). See the States' replies to questions 15 (b), 28 of Country Profile - RS 2014, and 14 (c), 16, 17 of Q2.
- ⁹⁵ In almost three-quarters of the States reporting having post-adoption services, those services are offered by several public and private operators, such as the Central Authority, State departments, public and private health centres, AABs, non-governmental organisations, non-profit entities, groups of adoptive parents, or schools. In such cases, the States' responses do not always allow an understanding of how the information relating to all such services is listed and provided to adoptive parents. In this respect, one State stresses that the Central Authority seeks to structure the information relating to the availability of such services. (France). Certain States also specify that post-adoption services are a matter within the statutory obligations of AABs (Belgium (French Community), Finland). Finally, a few States report that the issue of post-adoption matters is handled during the initial preparation of prospective adoptive parents (Australia, Belgium (Flemish Community), China (Hong Kong SAR), Sweden). See the States' replies to questions 15, 28 of Country Profile - RS 2014, and 16 of Q2. As regards the difficulty of accessing post-adoption services, in particular for families having adopted a special needs child, see also E. Pinderhughes *et al.*, *A changing world: shaping the best practices through understanding the new realities of intercountry adoption - Policy and Practice Perspective*, The Donaldson Adoption Institute, October 2013, pp. 37 and 38.
- ⁹⁶ See Guide to Good Practice No 1, chapter 9.2.1. See also C&R of 2010 SC, Recommendation No 29.
- ⁹⁷ See Guide to Good Practice No 2, chapter 11.3.1.
- ⁹⁸ See reference to Guidelines on Post Adoption Services prepared by ChildONEurope, Guide to Good Practice No 1, para. 612.
- ⁹⁹ Almost all States of origin have requirements with respect to the transmittal of post-adoption reports. Apart from two States (China (Hong Kong SAR), Philippines), those reports are to be transmitted after the final adoption order. However, the total number of reports expected and the duration of their transmittal vary considerably among States of origin: from 1) two to 19 reports expected, with an average number of seven reports and a median of six; and 2) one and a half to 18 years, with an average duration of seven years and a median of four. See the State's replies to question 32 (b) of Country Profile - SO 2014.
- ¹⁰⁰ As regards the contents of the post-adoption reports, while two-thirds of the States of origin have either a standard form or guidelines, fewer than half the receiving States do.. However, common topics emerge on the part of both the States of origin and the receiving States: 1) the child's health (roughly 80%, with more marked interest among States of origin); 2) the child's physical and mental development (roughly 80%, with details of the psychological aspects for over a third of States); 3) the child's schooling (roughly 70%); 4) the family dynamic in the broad sense (roughly 60%); 5) the child's settlement in his or her new family (roughly 55%, with details of attachment for 20% of States); 6) the child's settlement in the community (roughly 40%). See the States' replies to questions 32 (a) of Country Profile - SO 2014, and 27 (a), (b) of Country Profile - RS 2014.
- ¹⁰¹ Half the receiving States report that the post-adoption reports are drafted and transmitted by the same body, either the Central Authority, or a social service of the State, or the AAB concerned. In the other half, practice varies but in similar proportions, whether the report is sent by the AAB concerned and then transmitted by the Central Authority, or drafted by a social service of the State then transmitted by the Central Authority or AAB concerned, or drafted by the adoptive parents and then transmitted by the AAB concerned. In addition, only a few States report that parents are, occasionally or more generally, in charge of drafting the post-adoption reports (Canada (NB, NL, Que.), France, Haiti, Lesotho, Madagascar, Netherlands, Norway, Sweden). These practices meet the expectations of the States of origin regarding the body or person in charge of drafting and forwarding the post-adoption reports. Yet the receiving States have few ways of compelling those bodies or persons to comply with the requirements of the

States of origin, such as for instance the creation of a statutory obligation for AABs or the conclusion of an agreement between the AAB and adoptive parents (Belgium (Flemish and French Communities), Canada (Que.), New Zealand). See the States' replies to questions 32 (b) of Country Profile - SO 2014, and 27 (a), (c) of Country Profile - RS 2014.

- ¹⁰² While a majority of States of origin highlight communication and co-operation as a means to take action in cases where the receiving States fail to transmit the expected reports or transmit non-compliant reports, a significant proportion of States of origin report that sanctions may be contemplated if the receiving States fail to meet requirements, especially in the former case. These possible sanctions are directed mainly at any AABs responsible for those failings. See the States' replies to question 32 (c) of Country Profile - SO 2014.
- ¹⁰³ More than half the States of origin report that the post-adoption reports are used to evaluate the adopted child's welfare, or even to identify emerging problems. Only a few States observe that those reports are used for analysis and the pursuit of remedial action or the improvement of procedures, and in particular preparation of the child and matching (Burkina Faso, Haiti, Lithuania, Madagascar, Moldova). Two States also report that these reports are used to evaluate the co-operation with their partners (Ecuador, Viet Nam). Finally, one State specifies that they are also used to generate statistics (Lithuania). See the States' replies to question 32 (d) of Country Profile - SO 2014.
- ¹⁰⁴ See Guide to Good Practice No 1, para. 601. See also C&R of 2005 SC, Recommendation No 18, and C&R of 2010 SC, Recommendation No 27.
- ¹⁰⁵ *Ibid.*
- ¹⁰⁶ See Guide to Good Practice No 1, para. 600 and 601.
- ¹⁰⁷ *Ibid.*, para. 599.
- ¹⁰⁸ More than half the States of origin and fewer than half the receiving States report that the information is preserved in perpetuity or permanently. Thus, in roughly a third of States of origin and receiving States, that information is retained for a specific period, from 12 to 150 years. While other States report using the duration of the adopted child's life or the child's age as a criterion to determine the duration of preservation of the information, several also report not having any rules in this respect. See the States' replies to questions 31 (a), (b) of Country Profile - SO 2014, and 26 (a), (b) of Country Profile - RS 2014.
- ¹⁰⁹ While in almost all States of origin that information is preserved by a public body, in receiving States, it is preserved either by a public body or by one public and one private body, in equal proportions, or by only a private body in 20% of cases. A few States also specify that the information is sent to the records office of the body in charge or to the national records office (Chile, Colombia, Czech Republic, Denmark, Latvia, Lithuania, New Zealand, Panama, Romania, Slovakia, Switzerland). One State adds that it keeps that information on microfilm (Canada (NB)). See the States' replies to questions 31 (a), Country Profile - SO 2014, and 26 (a), (b) of Country Profile - RS 2014.
- ¹¹⁰ Fewer than a dozen receiving States and States of origin report having a law or rules relating to access to the information retained (Canada (BC), China (Hong Kong SAR), Colombia, Denmark, Dominican Republic, Mexico, New Zealand, Norway, Sweden, United Kingdom (Scotland), United States) and two States report that regulations are pending (Belgium (Flemish and French Communities), Ireland). In general: 1) almost all States provide the adopted child with access to information subject to the same requirements: having reached a required age, or if not, being joined by the adoptive family or having obtained the family's consent. A few States also require consent from the family of origin (Slovenia, Switzerland) or a legal or administrative decree (Bulgaria, Mexico, Moldova, Philippines); 2) roughly three-quarters of the States provide the adoptive family with access to information, in some cases subject to requirements as to the child's age or the type of information disclosed. Certain States also stress that all of the information preserved has been or may be transmitted to the adoptive family at the time of matching or finalisation of the adoption process (Belgium (Flemish and French Communities), Canada (NL, PEI), Dominican Republic, Panama, Togo, United Kingdom (Scotland)); 3) a little over a third of States provide the birth family with access to the information, for receiving States, with the consent of the adopted child or adoptive family, and for States of origin, under specific circumstances connected with health or an origin search; 4) a small proportion of States permit access to the information to other parties, solely pursuant to legal proceedings. It is important to note that only a few States report making a distinction between the disclosure of information identifying and not identifying the parties concerned, or even the conditions under which identifying information may be disclosed (Belgium (French Community), Canada (NB, NS, Ont., PEI, Que.), China (Hong Kong SAR), Lithuania, New Zealand, Moldova, Romania, United States). See the States' replies to questions 31 (c) of Country Profile - SO 2014, 26 (b) of Country Profile - RS 2014, and 16 of Q2.
- ¹¹¹ Over three-quarters of the receiving States and two-thirds of the States of origin report providing assistance in connection with origin searches. On the other hand, only one-third report providing support once the information

has been disclosed. Whereas in States of origin, the bodies in charge of providing all counselling are public, in receiving States, origin searches are supported by both public and private bodies, and assistance after disclosure of the information is provided mainly by private bodies, and AABs in particular. See the States' replies to questions 31 (d), (e) of Country Profile - SO 2014, 26 (d), (e) of Country Profile - RS 2014, and 16 of Q2.

- ¹¹² While most States report initiatives in this area, a few seem to have taken concrete measures, or developed programmes or procedures to counsel and support the persons concerned in connection with:
- 1) searches for information in relation to the steps to be taken (Belgium (Flemish Community), Canada (Province of Quebec), Colombia, Czech Republic, Denmark, Germany, Romania, Sweden);
 - 2) disclosure of preserved information (Belgium (Flemish and French Communities), China (Hong Kong SAR), Dominican Republic, New Zealand);
 - 3) origin searches (Chile, China (Hong Kong SAR), Luxembourg, New Zealand, Philippines, Romania);
 - 4) procurement of the required consents (Belgium (Flemish Community), Greece, Hungary, Lithuania, Luxembourg, Philippines), and
 - 5) the meeting (Philippines).

It is also interesting to note that certain receiving States report that the issue of origins is included in the initial preparation of prospective adoptive parents.

See the States' replies to questions 31 (d), (e) of Country Profile - SO 2014, 15, 26 (d), (e) of Country Profile - RS 2014, and 16 of Q2.

¹¹³ See C&R of 2010 SC, Recommendation No 28.

¹¹⁴ See Guide to Good Practice No 1, chapters 8.8.1 and 9.1.

¹¹⁵ *Ibid.*, para. 586.

¹¹⁶ *Ibid.*, chapter 9.2.2.

¹¹⁷ See ISS, New technologies and adoption, Information Document No 1 of April 2015 for the attention of the Special Commission of June 2015 on the practical operation of the 1993 HC.

The tools developed

¹¹⁸ Over half the States of origin report not using the Model Form for the statement of consent to the adoption. The other States use, in equal proportions, either that recommended Model Form, or another standard form. See the States' replies to question 12 (c) of Country Profile - SO 2014.

¹¹⁹ Roughly one-third of the States of origin report using the recommended Model Form for the child's medical report and its supplement. Yet several receiving States recommend more extensive use of that Model Form (Belgium (Flemish Community), France, Germany, Ireland, Netherlands, Norway, Spain). See the States' replies to questions 20 (c) of Country Profile - SO 2014, and 5 (b) of Q2. See also C&R of 2000 SC, Recommendation No 13 and C&R of 2005 SC, Recommendation No 6.

¹²⁰ Draft model forms relating to Articles 4(d)(3), 15 and 16 of the 1993 HC, and to post-adoption services, Preliminary Document No 5 of May 2015 for the attention of the Special Commission of June 2015 on the practical operation of the *Hague Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption*, to be circulated shortly.

¹²¹ Some fifteen States of origin report drafting the general reports on children on the basis of a standard form, or of guidelines. See the States' replies to question 20 (b) of Country Profile - SO 2014.

¹²² Roughly a quarter of receiving States report using a standard form to draft the reports on the prospective adoptive parents and another quarter report using guidelines. See the States' replies to question 17 (b) of Country Profile - RS 2014.

¹²³ While a third of States of origin report having established a standard form for drafting of the post-adoption report on the child, fewer than a quarter of receiving States report having done so. Among the States not having established a model form, half the States of origin identified topics they would like to see approached and a third of receiving States specified the topics approached in it, in greater or lesser detail. See the States' replies to questions 32 of Country Profile - SO 2014 and 27 of Country Profile - RS 2014.