

**EXPERTS' GROUP ON THE FINANCIAL ASPECTS OF INTERCOUNTRY ADOPTION –
WAY FORWARD**

drawn up by the Permanent Bureau

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**GROUPE D'EXPERTS SUR LES ASPECTS FINANCIERS DE L'ADOPTION INTERNATIONALE –
PERSPECTIVES POUR L'AVENIR**

établi par le Bureau Permanent

*Preliminary Document No 4B of February 2016 for the attention
of the Council of March 2016 on General Affairs and Policy of the Conference*

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du Conseil de mars 2016 sur les affaires générales et la politique de la Conférence*

ENDORSEMENT OF THE DRAFT MODEL SURVEY

1. Pursuant to the mandate given by the Council on General Affairs and Policy (“Council”) in April 2014,¹ the Experts’ Group on the Financial Aspects of Intercountry Adoption (“Experts’ Group”) has developed a draft Model Survey for adoptive parents on the financial aspects of intercountry adoption (“draft Model Survey”). The draft Model Survey is available in Annex 1 of this document.

2. The aim of the draft Model Survey is to collect data from adoptive parents on the payments made in the intercountry adoption process, with a view to promoting greater transparency in this field.

3. Receiving States will be encouraged to disseminate the survey to adoptive parents in their respective States. Under the proposed model, States administering the survey would compile and analyse the data collected; update, as necessary, the information published in the Tables on Costs; engage with other States, particularly States of origin, on issues that may arise from the data collected; and take appropriate measures, where necessary, to address reported problems. States administering the survey would also be encouraged to share their analysis of the data collected with other Contracting States and the Permanent Bureau of the Hague Conference. Finally, such analyses may inform, in part, future international work on the financial aspects of intercountry adoption, in particular with respect to the reasonability of costs.²

Recommendation to Council

4. The Experts’ Group recommends that Council endorse the draft Model Survey, and encourage the Central Authorities of receiving States Parties to the *Hague Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption* (“1993 Hague Intercountry Adoption Convention”), where possible, to administer it. Administration of the survey would be carried out in conjunction with publication of the Tables on Costs, which are to be completed by the Central Authorities of all Contracting States.³

MANDATE FOR DEVELOPING A GLOBAL SURVEY

5. Over the past year, the Experts’ Group has also discussed the possibility of developing a Global Survey for adoptive parents.

6. The main reason for developing a Global Survey is to ensure that adoptive parents from the largest number of receiving States Parties to the 1993 Hague Intercountry Adoption Convention take part in this exercise of completing a survey. States will be encouraged to administer a national survey based on the draft Model Survey, but if this is not possible, then the data could be obtained through the Global Survey. Indeed, several receiving States have indicated that they may not be able to administer the draft Model Survey (because of legal or practical concerns, or because of a lack of resources) and therefore, any overall analysis of the results of the draft Model Survey would lack information from some major receiving States. A Global Survey may be able to fill this gap.

7. The Global Survey would be administered by the Permanent Bureau (this would include uploading the survey on the website and collecting the information; the question of how the data collected would be analysed would need further discussion by the Experts’ Group, see para. 11 below). The Global Survey would be specifically targeted at adoptive families living in receiving States where the draft Model Survey is not administered. Thus, the two surveys would be complementary. The data collected through the Global Survey could be compiled and analysed by experts in co-ordination with the Permanent Bureau. It would be a one-time exercise. As with the draft Model Survey, the analysis of the data collected through the Global

¹ See “Conclusions and Recommendations adopted by the Council on General Affairs and Policy of the Conference (8-10 April 2014)”, Recommendation No 18, and “Note on the Financial Aspects of Intercountry Adoption”, drawn up by the Experts’ Group on the Financial Aspects of Intercountry Adoption, Permanent Bureau, 2014 (“Note”), section 8.4.

² As indicated in the Note, one possibility for future consideration could be Guidelines or a Guide to Good Practice on the Financial Aspects of Intercountry Adoption.

³ Available on the Hague Conference website at < www.hcch.net >. See as well “Conclusions and Recommendations adopted by the Fourth Meeting of the Special Commission to review the practical operation of the 1993 Hague Intercountry Adoption Convention (8 to 12 June 2015)”, paras 41-42.

Survey would be shared with other Contracting States and could inform, in part, future international work on the financial aspects of intercountry adoption. The results of the Global Survey might also be made available in a public report.⁴

8. The views on a Global Survey within the Experts' Group were divided. When the issue was discussed at the 2015 Special Commission meeting on the practical operation of the 1993 Hague Intercountry Adoption Convention, there were also divided views, although a larger number of Experts expressed support for having a Global Survey, specifically as an alternative to gather information in States that would not be able to administer the draft Model Survey.

9. Some of the challenges regarding the development of a Global Survey may be:

- the roles and responsibilities of Contracting States under the Convention;
- legal considerations linked to the sensitive nature of the information to be collected;
- concerns about the appropriateness of some of the questions for a Global Survey;
- and
- the nature and extent of the mandate of the Experts' Group.

Some States proposed that the Experts' Group encourage States Parties to complete and publish the Table on Costs, as well as to administer the draft Model Survey, before considering whether additional data (through a Global Survey) may be needed to inform the work on transparency and the reasonability of costs.

10. Some of the advantages of developing a Global Survey may be:

- the potential participation by a larger number of States Parties to the 1993 Hague Intercountry Adoption Convention considering some of the States' limited resources to manage the draft Model Survey;
- the Permanent Bureau's unique position to administer the survey; and
- the Permanent Bureau's involvement with administration of a Global Survey may lead to a more unified methodology and analysis.

It was also said that concerns regarding limitations in the existing mandate of the Experts' Group could be addressed through an expanded mandate.

Recommendation to Council

11. The Experts' Group recommends that Council consider the question of whether to expand the existing mandate of the Group to include a potential Global Survey. If Council provides such a mandate, the Group would then consider whether it is feasible and in fact practicable to carry out such a survey. The Group would have an opportunity to address the concerns mentioned above in paragraph 9, and could consider, *inter alia*: the content of the Global Survey;⁵ who would analyse the data produced; how to handle anonymity and confidentiality with respect to information provided; and the resources needed to administer, and if applicable, analyse the survey.

⁴ The differences between a Model Survey and a Global Survey are explained in more in detail in Prel. Doc. No 6 of June 2015, "Draft Survey for adoptive parents on the financial aspects of intercountry adoption", for the attention of the Special Commission of June 2015 on the practical operation of the 1993 Hague Intercountry Adoption Convention. However, please note that some of the points explained in the table have evolved.

⁵ In principle, the content of the Global Survey will be based on the content of the draft Model Survey. However, further discussions will be needed regarding the appropriateness of some of the questions for a Global Survey.

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

INTRODUCTION

Dear adoptive parent(s),

Since 2011, work has been undertaken internationally at the Hague Conference on Private International Law ("Hague Conference") on the financial aspects of intercountry adoption with a view to promoting greater transparency and reasonability of costs. As part of this work, several tools have been developed [available here] to reinforce the proper operation of the Hague Convention on Intercountry Adoption, including the attached survey to allow Central Authorities from receiving States to collect information from adoptive parents on the actual costs involved in an intercountry adoption.

To assist [name of the CA] in this effort, we invite you to respond to the survey and to provide detailed information concerning payments made during the intercountry adoption of your child(ren). The data collected will complement the information we currently have regarding the costs involved in various States. It may be used in our cooperation with other States, mainly States of origin. The data collected will also allow us to take appropriate measures, where necessary, to address any issue of concern revealed by the survey, for example by monitoring more closely certain financial practices.

In addition, we may provide an analysis of the data collected through this survey to the Hague Conference. This analysis, along with similar analyses that may be provided by other receiving States, may inform, in part, future international work on the financial aspects of intercountry adoption, including the development of eventual Guidelines or a Guide on the subject.

We invite you to provide your name and contact information,¹ so that we may follow-up as appropriate with regard to any specific concerns identified in the response. This and any other personal information concerning you or your child will be protected in accordance with [title of privacy legislation]. In addition, your personal information will not be included in any analysis of the data collected through the survey.

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

Thank you very much.

[Name of the Central Authority]

¹ As national laws and practices differ with regard to the confidentiality and protection of personal information, States may vary the text to conform with national law and practice.

INSTRUCTIONS

- Please complete this survey and return it to us electronically by [DATE].
- Please provide any answers in [OFFICIAL LANGUAGE(S) OF THE STATE].
- Please always state the currency of any monetary amounts.
- Please answer all the questions (1 to 10) in this survey as completely as you can. However, if you do not have certain information or you do not know certain answers, you may simply leave the answer(s) blank.
- Please note that the information requested in this survey is requested *regardless of where the payment was made – i.e.*, whether paid in your country or in the country of origin of your child.

If you have any questions regarding the completion of this survey, please e-mail [E-MAIL ADDRESS OF CENTRAL AUTHORITY] using the subject-line "Survey for Adoptive Parents".

ABOUT YOU

How many children did you adopt in this intercountry adoption procedure?
*If you adopted more than one child, please specify the costs of the adoption per child in your answers to this survey where possible. If this is not possible, you may simply provide overall amounts and specify that it is for X children.
Please note: the singular 'child' is used in the rest of this survey for convenience.*

In which country did you live at the time of the adoption of your child?
Please indicate in your answer if your country of residence has changed either during or after the adoption of your child.

From which country was your child adopted?

In which year were you declared eligible and suited to adopt?

In which year was your file sent to the country of origin of your child?

In which year was the final adoption decision of your child made?

Adoption Accredited Body ("AAB", or adoption agency):¹

Alternative 1 – not compulsory to adopt through AAB:
Did you use an AAB for the adoption of your child?

Alternative 2 –compulsory to adopt through AAB:
Please provide the name of the AAB that you used for the adoption of your child.

- Yes: please provide the name of the AAB:
- No: I adopted only with the assistance of the Central Authority

Please provide your name and contact information here:²
As stated in the Introduction, your contact details will be maintained and protected exclusively by the Central Authority.

Name:
Address:
E-mail:
Telephone number:

¹ States that, under Article 22(2), authorise approved (non-accredited) bodies or persons to carry out functions should include an additional box for parents to indicate if such approved (non-accredited) bodies or persons assisted with the adoption. Also, such States should, as appropriate, revise the references to "AAB" in each of the Tables to also include references to the approved bodies.

² See *supra* note 1.

THE SURVEY

1. Please list in the table provided below (“Table 1”) **all the payments, including donations, which you made in relation to your child’s adoption**, whether paid in [NAME OF THE RECEIVING STATE] or in the country of origin of your child. For each payment, please provide as much information as possible.

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

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

EXAMPLE:

TABLE 1 – List of <u>all</u> payments								
Payment Line No	Amount paid	Currency	Method of payment (e.g. bank transfer, cheque, cash)	Paid to whom?	Was the payment to be passed to additional parties? (yes/no/I don’t know)	If so, specify the additional parties (if known)	Purpose of payment	Mandatory or voluntary?
1	500	USD	Bank transfer	Our adoption agency	Yes	The Ministry of Children in the country in which our child was living prior to the adoption	Fee to be able to adopt a child living in that country. Our adoption agency told us that this money will be used to improve the child protection system in that country.	Mandatory

PLEASE COMPLETE TABLE 1 BELOW

TABLE 1 – List of <u>all</u> payments								
Payment Line No	Amount paid	Currency	Method of payment (e.g. bank transfer, cheque, cash)	Paid to whom?	Was the payment to be passed to additional parties? (yes/no/I don't know)	If so, specify the additional parties (if known)	Purpose of payment	Mandatory or voluntary?
1								
2								
3								
4								
5								
6								
7								
8								
9								
10								
11								
12								
13								
14								
15								
16								
17								
<i>(Add as many rows as needed to include all your payments)</i>								

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

- I don't know
 No

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

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

- Before your application was sent to the country of origin of your child ("Before application")
- After your application was sent to the country of origin but before you were matched with your child ("After application")
- After you were matched with your child but before the final adoption decision was made ("After matching")
- After the final adoption decision was made but before you came back to [NAME OF THE RECEIVING STATE] ("After decision")
- After finalisation of your adoption and your return to [NAME OF THE RECEIVING STATE] ("After return")
- Other

EXAMPLE:

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

PLEASE COMPLETE TABLE 2 BELOW:

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

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

I don’t know

No

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

For column 2 (“Requested by whom”), please indicate if any payments were made through a group or association (i.e., a collective payment). If so, identify the group or association.

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

- Before your application was sent to the country of origin of your child (“Before application”)
- After your application was sent to the country of origin but before you were matched with your child (“After application”)
- After you were matched with your child but before the final adoption decision was made (“After matching”)
- After the final adoption decision was made but before you came back to [NAME OF THE RECEIVING STATE] (“After decision”)
- After finalisation of your adoption and your return to [NAME OF THE RECEIVING STATE] (“After return”)
- Other

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

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

- I don’t know
- No
- Yes: please identify, by Payment Line No (see the far-left column of Table 1), the relevant payment(s) from Table 1. Then please complete Table 4 below. Provide as much information as you can in relation to each relevant payment:

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

- Before your application was sent to the country of origin of your child (“Before application”)
- After your application was sent to the country of origin but before you were matched with your child (“After application”)
- After you were matched with your child but before the final adoption decision was made (“After matching”)
- After the final adoption decision was made but before you came back to [NAME OF THE RECEIVING STATE] (“After decision”)
- After finalisation of your adoption and your return to [NAME OF THE RECEIVING STATE] (“After return”)
- Other

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

5. At any time, did you make any **gift(s) of material good(s)** (*i.e., non-monetary gifts*), whether requested or not, to any authority, body or person in relation to your child's adoption?
- No
- Yes: please complete Table 5. Provide as much information as you can.

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

6. Was the total amount you paid for the adoption of your child approximately the same as the **amount you were initially quoted** (e.g., by us or by your AAB)? (If you were quoted only some amounts but not others, please respond regarding those quoted amounts.)

- Not applicable – I was not quoted any amount initially. Please briefly describe what, if anything, you were told at the beginning regarding the amount(s) you would have to pay:
- Yes - the amount quoted and the amount paid were approximately the SAME.
- No - the amount paid was significantly MORE than I / we were quoted. If possible, please explain:
- No - the amount paid was significantly LESS than I / we were quoted. If possible, please explain:

If you have ticked "no", please complete Table 6 below, providing as much information as you can (some of the information may duplicate what is already in Tables 2, 3, or 4).

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

- Before your application was sent to the country of origin of your child ("Before application")
- After your application was sent to the country of origin but before you were matched with your child ("After application")
- After you were matched with your child but before the final adoption decision was made ("After matching")
- After the final adoption decision was made but before you came back to [NAME OF THE RECEIVING STATE] ("After decision")
- After finalisation of your adoption and your returnto [NAME OF THE RECEIVING STATE] ("After return")
- Other

TABLE 6 – Payments <u>significantly MORE or LESS than quoted</u>						
Table 1 Payment Line No	Requested by whom?	<i>Requested</i> at what stage of the adoption procedure?	<i>Paid</i> at what stage of the adoption procedure?	Amount initially quoted	Amount finally paid	If you adopted through an AAB, were they aware of this payment? (yes or no)
Table 1 Payment Line No						
<i>(If you made multiple payments please use additional rows)</i>						

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

- I don't know
- No
- Yes:

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

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

- Before your application was sent to the country of origin of your child ("Before application")
- After your application was sent to the country of origin but before you were matched with your child ("After application")
- After you were matched with your child but before the final adoption decision was made ("After matching")
- After the final adoption decision was made ("After decision")
- After finalisation of your adoption and your return to [NAME OF THE RECEIVING STATE] ("After return")
- Other

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

8. During the course of the adoption procedure of your child, did you ever encounter any **action, request or information**, either in our State or in the State of origin, which in your view might indicate **wrongdoing** (whether relating to the financial aspects of the adoption, or otherwise)?

- Yes: please describe in as much detail as possible what worried you:
- No
- I am not sure. Please explain:

9. What, if anything, **could have improved** your experience in relation to the financial aspects of your child's adoption?

10. Are there any **other comments** you would like to provide concerning the financial aspects of your child's adoption?